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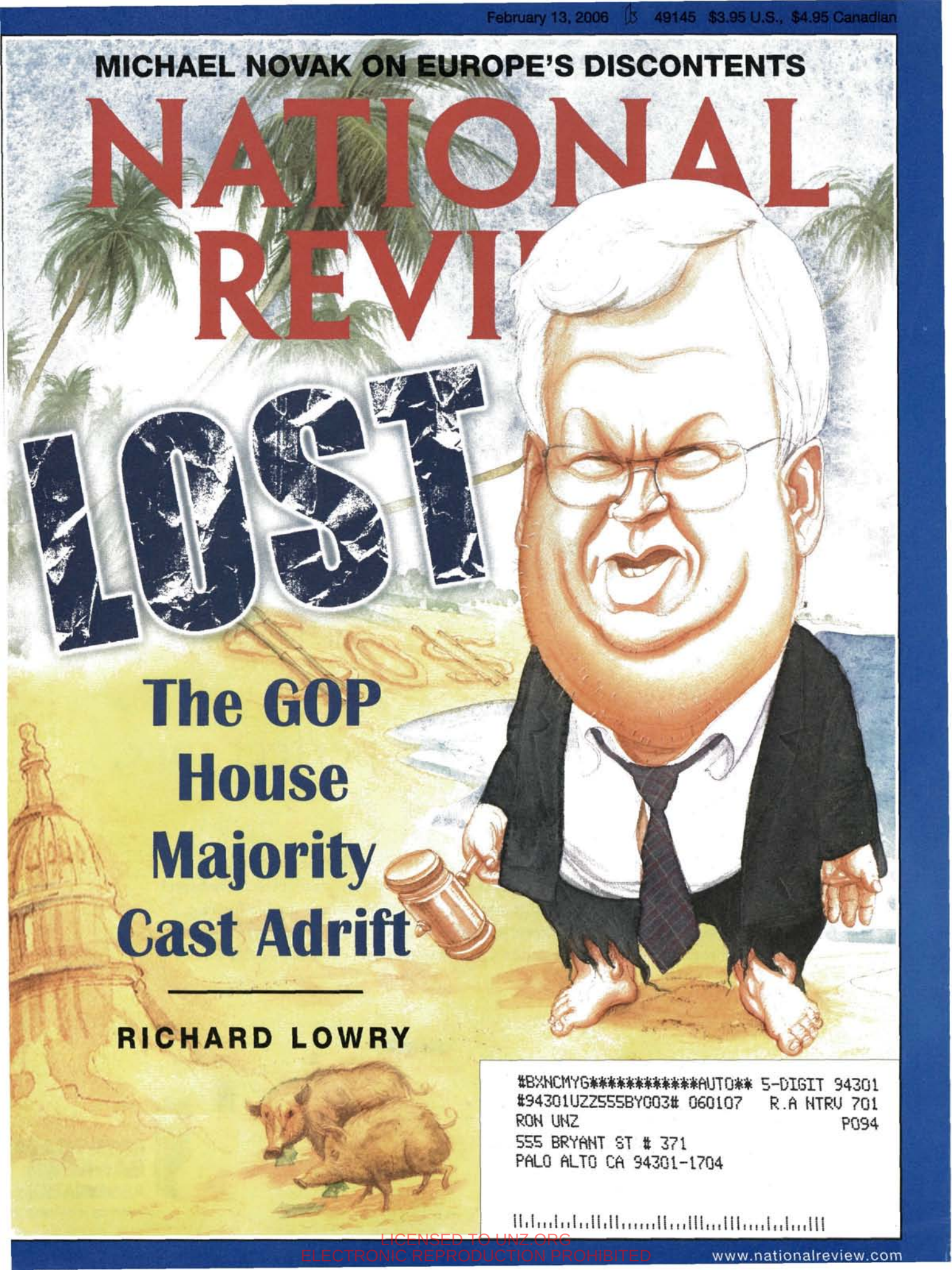
NATIONAL REVIEW

LOST

The GOP House Majority Cast Adrift

RICHARD LOWRY



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FEBRUARY 13, 2006 VOL. LVIII, NO. 2

NATIONAL REVIEW

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■ COVER STORY

Say It Ain't So

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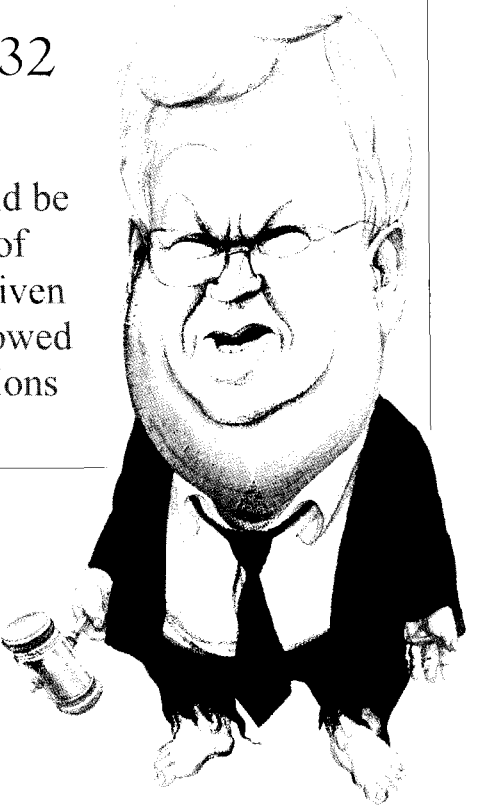
Who would have predicted that ten years after taking Congress and promising to clean it up, Republicans would be rocked by their own set of scandals, including the abuse of earmarks for contributors? Actually, it was predictable, given the typical course of revolutions—a burst of energy, followed by a period of consolidation—and the inevitable temptations of power. *By Richard Lowry*



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letters to the editor

IKE ON 'THE MALL'

I was surprised to note that NR's discussion (in The Week, Dec. 19) of a proposed Eisenhower Memorial in Washington, D.C., was inaccurate. The proposed plaza memorial will not be "on the Mall," but will be across the street from the Mall, south of Independence Avenue, between 4th and 6th Streets.

This urban site is particularly appropriate because the surrounding structures relate directly to some of Eisenhower's major accomplishments. These nearby buildings—housing entities such as the FAA, the Department of Education, NASA, and Voice of America—remind us of his decisive role in transportation, education, space, and the spread of international information.

Eisenhower's role in history benefits from the objectivity of expert historical evaluation, not, as you suggest, from the use of overly "generous" criteria. Since the end of his second administration in 1961 and during the more than 50 years since his 1953 inauguration, Eisenhower's stature has steadily grown. It is possible to say that we now know with confidence the full scope of Ike's impressive, lifelong contributions to his nation and the world—a record uniquely worthy of memorialization in the nation's capital.

Brig. Gen. Carl W. Reddel (Ret.)
Executive Director, Eisenhower Memorial Commission
Washington, D.C.

THE EDITORS REPLY: We know that the proposed memorial would not be technically "on the Mall"—but close enough, and normal, non-technical people regard that entire area as "the Mall." And we restate what we said in The Week: Once you start down the road of honoring every fine or respectable president in this way . . . well, that's a lot of marble, not to mention political hassle.

OUT OF SIGHT, OUT OF MIND

I am a Connecticut resident, and I was chagrined to see Lowell Weicker, my state's erstwhile senator, mentioned in two succeeding issues ("Cause(s) and Effect(s)," Dec. 19; The Week, Dec. 31). Yes, I know NR helped defeat his reelection bid in 1988. And yes, I know he's considering running against Senator Lieberman this year (again). But you've recently given the old blowhard more coverage than he deserves. Please help us all forget him.

Reg Farrington
Portland, Conn.

YOU SAY POTATO . . .

Whether one agrees with Paul Johnson's assertion that 2005 is a great improvement over 1955 depends on whether one believes that improvements in the political arena outweigh the spiritual and moral disintegration of Western society ("In These Times," Dec. 19). And it could be said that the improvements he highlights—the end of the Cold War, the spread of democracy—have been replaced by other political concerns, such as the rise of anti-Semitism and anti-Americanism, as well as nuclear weapons in the hands of rogue nations, upon which he touches ever so briefly.

Loretta Park
Lewistown, Mont.

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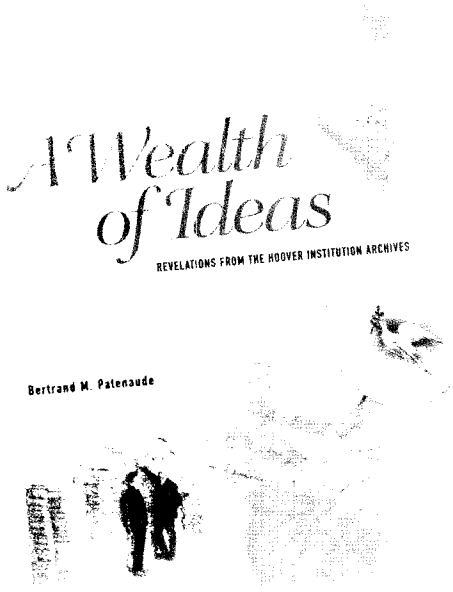
Critical Reading on the Hoover Institution Archives

Archival Treasures of the Twentieth Century



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A Wealth of Ideas is epic in scale. The author, Bertrand Patenaude, has assembled an impressive cast of characters, including many of the most influential figures of the age, among them Woodrow Wilson and Leon Trotsky, Friedrich von Hayek and Henry Ford, Karl Popper and Joseph Goebbels, Chiang Kai-shek and Boris Pasternak, and Bertrand Russell and John Maynard Keynes. The book contains nearly 300 illustrations, including political posters, photographs, film stills, original artwork, typed and holograph public and private manuscripts, letters, and diaries. The effect is to open a window into one of the richest historical archives in the world.

Bertrand M. Patenaude is a research fellow at the Hoover Institution, Stanford University. He is the author of The Big Show in Bololand *(Stanford University Press, 2002).*

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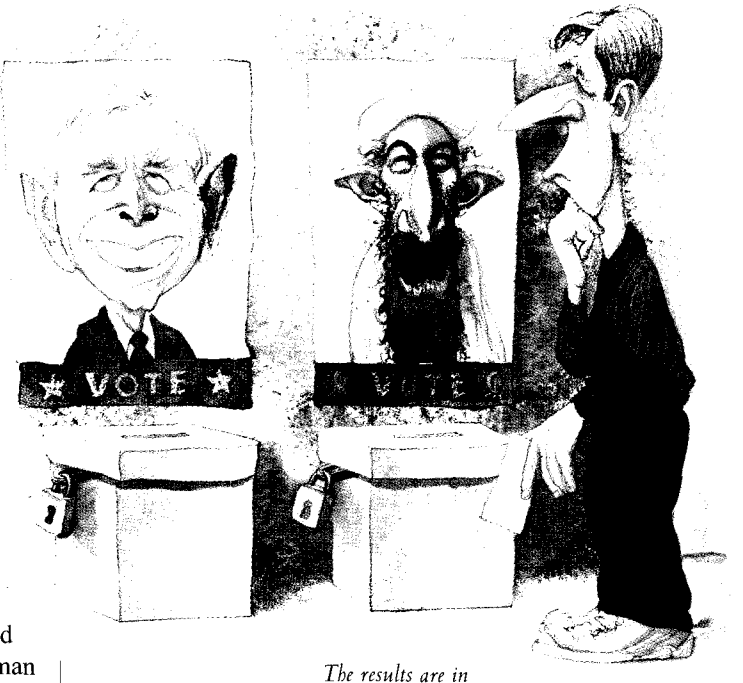
THE WEEK

■ In Osama's latest tape, he touts an obscure left-wing American book and borrows lines from Michael Moore. We're beginning to think that when we find him, he'll be carrying a *Nation* tote bag.

■ Bin Laden said that he would accept a truce if the United States offered one. We won't. He said we should pull out of Afghanistan and Iraq. We're staying, until they can defend themselves. He said new strikes against the United States are coming. That's been his program since the Nineties; he can always get lucky, but his luck has to be better and better. Talk on, O Caliph; listen, you deluded. We will tear you down.

■ In the 1970s and early 1980s, this magazine was full of debates and worries about inflation: its causes, its costs, possible remedies. In other fora, intelligent people fretted that endemic inflation was, like the crime wave, a sign that democracies could not properly govern themselves. That it is now hard to summon the mood of those discussions is a tribute to Federal Reserve chairman Alan Greenspan, above almost all others. His predecessor, Paul Volcker, began the fight against inflation. But it was during Greenspan's two decades in office that roughly stable prices became routine. Greenspan resisted pressures to solve politicians' short-term electoral problems with temporary bursts of inflation. His record has not been spotless. Critics may be right to suggest that Greenspan created too much liquidity because of exaggerated fears of the Y2K problem (speaking of another worry that now looks quaint), and then sucked up that liquidity too quickly. But he deserves enormous gratitude. He is now retiring, and we are about to find out whether his achievement was merely personal or, as we hope, represented institutional learning.

■ Sen. Hillary Clinton celebrated Martin Luther King Day by telling the crowd at an Al Sharpton event that Republicans run the House of Representatives "like a plantation—and you know what I'm talking about." Yes, Hillary, you been in the storm so long. Commentators noted the tinniness of her pander; some wondered whether blacks would buy it (no doubt they will; increase of appetite has grown by what it feeds on). It also suggests insecurity, if not in her actual political position, then in her perception of it. Sen. Clinton ought to have such a core constituency locked up, and when she needs to stroke it (which every politician must do) she ought to be able to do so with ease. Why does she choke? Excessive caution? Some deeper malaise as a leader? The problem with such inner weaknesses is that they eat their way outwards. They don't necessarily prevent you from winning, but they often prevent you from being effective (e.g., Richard Nixon). The Iron Lady of liberalism may have some rust pockets.



The results are in

ROMAN GENN

■ Maybe it's Martin Luther King Day. At an MLK celebration in New Orleans, Mayor Ray Nagin called for the city to be "a chocolate New Orleans . . . a majority African-American city. It's the way God wants it to be." He also said God was punishing America with hurricanes because of the Iraq War, and black irresponsibility. When people, both chocolate and vanilla, objected, the mayor backtracked a bit, explaining that "dark chocolate" and "white milk" make a "delicious drink." The best that can be said for Mayor Nagin is that no one can suspect him of calculation.

■ Independent counsel David Barrett spent ten years and $21 million investigating both relatively petty crimes by former HUD secretary Henry Cisneros, and a not-so-trivial cover-up of those crimes by the Clinton administration. Democrats are saying that the cost and time were wildly excessive, and they have a point. But it is a point that tells against the Clintonite obstructionism that prolonged the investigation. The money and time will truly have been wasted only if the public is not permitted to read Barrett's full report in the matter, as the Democrats wish.

■ A poll on the liberal blog the Daily Kos asked: "Who [*sic*] do you despise more?" The choice was between George W. Bush and Osama bin Laden. The president took an early lead, but

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THE WEEK...

ended up with a mere 41 percent of the votes. Nice to see the Left display a sense of proportion.

■ Oregon law allows physicians to assist the suicide of terminally ill patients to relieve their pain or, more commonly, to assuage their fears of being a burden or losing their dignity. When he was attorney general, John Ashcroft interpreted federal anti-drug laws to prohibit lethal prescriptions. Those laws allow drugs to be used for legitimate medical purposes, he reasoned, and poisoning is not among those purposes. The Supreme Court has now ruled that Ashcroft was wrong. By voting for assisted suicide, the people of Oregon had registered their view that killing patients is a legitimate medical act, and thus, in effect, redefined the federal law in their state. There may very well be good reasons to give states, rather than the federal government, the authority to set policy on the permissible uses of drugs and on the regulation of medicine. The six justices in the majority—the conservatives dissented—clearly thought that there were. But while their desire for Oregon to be able to go its own way is defensible, it is hard to avoid the conclusion that they let that desire distort their view of the law.

■ Last September, 11-year-old Haleigh Poutre was beaten into a coma, apparently by her adoptive mother and stepfather. Doctors said she was in a persistent vegetative state. Later that month, the Department of Social Services sought, and eventually received, a court order allowing her to be taken off of life support. A challenge to this decision made its way to the Massachusetts supreme judicial court. In its January 17 decision, the court wrote, "We, as a society, need to do more to aid children who are neglected and abused." For Haleigh, this meant allowing her to starve to death. She was not considered worth keeping alive. Then she began to improve; she began to breathe on her own and to show signs of responsiveness. We hope and pray that Haleigh recovers completely; also that our courts do.

Art Laffer, Righter than Ever

It was the most famous dinner in the history of economics. Back in 1974, Arthur Laffer, Jude Wanniski, Dick Cheney, and Donald Rumsfeld met at the Washington Hotel, in the nation's capital. As legend has it, when the conversation turned to tax policy, Laffer drew a graph on a napkin to illustrate that higher tax rates do not always lead to higher tax revenue. At some point, higher rates kill economic activity, driving down revenue.

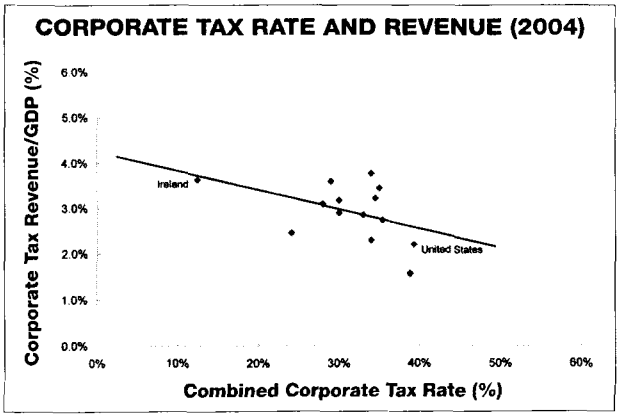
Wanniski expanded on Laffer's point in a 1978 article in *The Public Interest*, calling the relationship between tax rates and tax revenue the "Laffer curve." The curve became canonical to some, but others treated it as a bunch of voodoo.

It's odd that the curve caused so much controversy, given that Laffer's point is perhaps the most ancient in economics. Indeed, as Laffer himself has noted, Ibn Khaldun, the great Muslim writer, alluded to the same dynamic in his epic 14th-century work *The Muqaddimah*. And in the 1800s, French scholar Jules Dupuit made the point with such precision that many economists today refer to the "Dupuit-Laffer curve."

Perhaps the curve provokes controversy because, although its hypothetical existence is not disputed, whether it characterizes our economy at any given moment is another question. The problem appears to be that the benefits of tax cuts are gradual. Reductions in capital-gains taxes are the only cuts that indisputably have increased revenue immediately, and they may be a special case in which reductions release an avalanche of pent-up gains.

Which makes it all the more noteworthy that recent research has identified another area of taxation that clearly fits the Laffer analysis. The chart nearby illustrates this case. Each dot in the chart indicates the corporate-tax rate and the corporate-tax revenue (relative to GDP) of a given country in 2004. In the U.S., for example, the combined federal corporate tax and average local corporate tax was almost 40 percent, but with that high rate we collected revenue equal to only 2.2 percent of GDP. Ireland, on the other hand, had a corporate-tax rate of 12.5 percent and collected revenue equal to 3.6 percent of GDP.

Of the countries represented on the chart, the U.S. has the highest rate but collects the second-lowest amount of revenue. This suggests, as economist Kimberly Clausing recently wrote in a study for the Brookings Institution, that "the United States is likely to the right of the revenue-maximizing point on the corporate income tax Laffer curve." Countries with low rates can collect more taxes because they stimulate domestic corporate activity, and because they attract multinational corporations willing to operate wherever the tax climate is best. That's a lesson the U.S. could afford to learn.



SOURCE: OECD, OECD TAX DATABASE, TABLE II 1; OECD, REVENUE STATISTICS, 2005

It is positively exasperating that a Republican-controlled government has taken no steps to reduce corporate taxes. Perhaps Vice President Cheney should invite Majority Leader Frist, Speaker Hastert, and President Bush to the Washington Hotel for dinner—and supply them each with an illustrated napkin.

—KEVIN A. HASSETT

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THE WEEK...

■ Stephen Harper's Tory victory in the Canadian elections may be a more stable and significant political change than it appeared on the morning after. Tories were inevitably chastened when their tally of seats won left them well short of an overall majority in the Ottawa parliament. The polls had led them to expect better. Still, there is no appetite in the opposition parties for a third election in just a couple of years. Harper has cultivated respectful, even cordial, relations with the leaders of the New Democrats and the Bloc Québécois. And the Liberals are just about to enter a time of troubles with an uncertain leadership election taking place against the background of scandal investigations and even trials that will advertise their deep corruption. Harper should be able not only to stay in power but to get most of his moderate program through parliament until an election in two or three years entrenches him in office with a real mandate. Given that three years ago the Canadian Right was divided between two weak parties with little hope of power, Harper's achievement is nothing short of astounding (achieved not without a little help from such friends as NR's own David Frum). He patiently put together a new party from two mutually antagonistic sects and steered it to near-majority status by his unthreatening advocacy of a moderate conservative program that includes modest tax cuts, rebuilding Canada's shrunken military, and improving the country's troubled relationship with the U.S. American conservatives might prefer a more dramatic conservatism, a more charismatic leader—Harper is a Canadian—and more ambitious reforms. But Harper has embarked on a long march through the institutions of Ottawa and he has come far in a short time by making haste slowly. He knows Canada and what he's doing. We suspect he's in power for the long haul.

■ Iran may have finally exhausted the world's patience. The country's president, Mahmoud Ahmadinejad, is a raving madman who pledges solidarity with terrorists, holds that the Holocaust is a "myth," and has recently called for Israel to be "wiped off the map." It is in this context that, in early January, Iran broke the International Atomic Energy Agency seals at its main uranium-enrichment facility. Coming after years of sensitive diplomatic relations designed precisely to thwart Iranian nuclear development, this disturbing move has catalyzed a trans-Atlantic consensus that Iran can no longer be trusted as a negotiating partner, and that its case must be taken up by the U.N. Security Council. Iran quite simply must be stopped. We should hope that military action proves unnecessary, but we must also understand that it becomes likelier to the very degree that Iran thinks it is *un*likely and, accordingly, refuses to accede to Western demands. President Bush has said repeatedly that the United States cannot accept an Iranian nuclear age. That Europe now appears to have moved toward this conclusion is cause for limited optimism. But it should in no way attenuate the sense of urgency we feel—or our will to act.

■ Ahmadinejad may have an unlikely ally in his quest to wipe Israel off the map: the United Nations. (Okay, maybe it's not *that* unlikely.) Only days after Ahmadinejad's caustic remarks in November, Kofi Annan was photographed in front of a map at a U.N. event that showed the Middle East . . . sans Israel. The event was the U.N.'s annual "International Day of Solidarity With the Palestinian People," and the pre-1948 map has been a centerpiece since 1981. The resulting media firestorm prompted the estimable John Bolton to issue a scathing letter demanding answers from the secretary general not only regarding the map, but also about the U.N.'s long-standing, execrable anti-Israel record. Among other facts that have come to light: The U.N. gave at least $6 million to pro-Palestinian (read: anti-Israel) groups last year, and it looks to do the same for the foreseeable future. Israel has for far too long been a pariah at the U.N., and it's a relief to finally see a serious counter-offensive. Let's hope that both Bolton's bark and his bite are every bit as bad as Democrats claimed they were last year when they filibustered him.

■ France shows all the signs of European hyperliberalism—*dirigiste* economy; unassimilated minorities; America-tweaking; Israel-bashing—except for one: France is not Holland. This was the primary meaning of President Jacques Chirac's threat to respond to terrorism with nuclear arms. "The leaders of states who would use terrorist means against us, as well as those who would consider using . . . weapons of mass destruction, must understand that they would lay themselves open to a firm and adapted response," Chirac said. "This response could be a conventional one. It could also be of a different kind." France is shorn of empire, population, and great-power status, its EU dreams are a wreck, Muslim kids burn cars like bonfires, but she still has the Bomb, and memory. Bluster? Probably. But the difference between "absolutely" and "probably" is the measure of France's remaining geopolitical distinction.

■ Dr. Ayman al-Zawahiri may be second to Osama bin Laden, but he is al-Qaeda's best strategist and organizer. Someone seems to have informed U.S. forces that he was visiting the village of Damadola, in the wild and inaccessible mountains on the Pakistani side of the border with Afghanistan. Predator drones duly struck, and 17 people were killed. Misinformation, and probably disinformation, quickly took over. Al-Zawahiri evidently escaped, but his son-in-law and three or maybe four other high-ranking al-Qaeda men were killed. One of these, named as Abu Khabab al-Masri, was the group's expert in chemical and biological weapons, with a $5 million bounty on his head. Pakistani officials, mainly local tribal leaders, condemned the attack, alleging that it was a surprise, and that the dead were all civilians, not terrorists. U.S. officials counter that the operation was based on sound intelligence and coordinated with the Pakistani authorities as usual. As Muslims cracking down on Muslims with the help of unbelieving Americans, the Pakistani government may well have to weave all manner of self-serving pretenses to seem at a distance from their indispensable ally. The War on Terror will go on throwing up murky situations of the kind until such time as Predators or other weapons account for al-Zawahiri and his ilk.

■ Mukhtar Mai is a Pakistani woman who was gang-raped in 2002 at the orders of a tribal court, as a punishment *for her*

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brother. (Hint to defendants: Choose another venue.) She prosecuted her attackers, and became an international celebrity. An interview with Mai at the U.N.'s TV studios in New York was cancelled at the last minute, however, because it coincided with a visit from Shaukat Aziz, Pakistan's prime minister. Aziz denied any knowledge of the move; the Pakistani Mission would not comment; the U.N. said it exists for the benefit of "member states." Most interesting though was Mukhtar Mai's comment: "I was not going to say anything bad about Pakistan. I was just going to talk about my work and what people are doing." She may be famous, but Pakistan is her country; she's not planning to leave it. She just wants women not to be gang-raped at the order of tribal courts. A modest proposal.

■ President Bush has been reading the mammoth, powerful new biography of Mao—*Mao: The Unknown Story*, by Jung Chang and Jon Halliday—and Elisabeth Bumiller of the *New York Times* had something to say about that. She said that it was no surprise that Bush had been reading this book "given that [it] has been embraced by the right as a searing indictment of Communism." One wonders: Why wouldn't liberals be interested in, or pleased by, a searing indictment of Communism? It's not like they have any truck with Communism, is it? In her general throwing of cold water on this book, Bumiller went on to say that some reviewers have "accused the authors of a moralistic, good-and-evil version of history." Yes, can't have that, can we—not with regard to a genocidal monster.

■ Under George W. Bush, American diplomats in Cuba are showing a backbone we have never seen before. The latest is this: Michael Parmly, head of our interests section, had Lech Walesa speak to some Cuban dissidents by video hookup. Walesa told them, "The system will fall because nobody believes in Communism. You are close to your goal." Castro, of course, was furious—and Bush continues to strike his various blows for liberty. The U.S. Interests Section in Havana is actually the Cuban people's interests section, too.

■ British MP George Galloway, notorious for his involvement in the Iraqi oil-for-food scandal, has been moonlighting from his Westminster job. He is now a regular on the TV program *Celebrity Big Brother*, on which he has pretended to be a cat—lapping milk from an actress's hand—and acted out, in dance, "the emotions of bewilderment when a small puppy won't come to you." Taking money from Saddam Hussein is one thing, Mr. Galloway; but we would have thought reality TV was beneath you.

■ Radical Islamist cleric Abu Hamza is on trial in London. The one-eyed, hook-handed, Egyptian-born preacher is charged with inciting murder and "stirring up racial hatred." (He is also wanted in the U.S. on a 2004 indictment for, among other things, providing material support to al-Qaeda.) In sermons at his London mosque, many recorded, Abu Hamza urged followers to kill Jews, non-Muslims, and apostates from Islam. When

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THE WEEK...

arrested, he had among his possessions a multi-volume *Encyclopedia of the Afghani Jihad,* containing instructions on bomb-making and assassination techniques. Abu Hamza arrived in Britain in 1979, had been involved with radical Islamism since the early 1980s, and was imam of his mosque from 1997 to 2003. In fact, the aforementioned encyclopedia had been seized by police in 1999 . . . then returned! Under cross-examination by the prosecutor, Abu Hamza asked why, if he was such a danger, the security services had not arrested him before 2004. Good question.

■ James Frey is the author of *A Million Little Pieces*, a harrowing memoir of his recovery from a life of addiction and crime. On the strength of an endorsement by Oprah Winfrey, it sold twice as many copies as pieces. But now, thanks to the website The Smoking Gun, all the world (that is, literary New York) knows that Mr. Frey made much of it, and all the good stuff, up. E.g., Frey says he spent three months in jail, when he actually spent a few hours in a police station, waiting for his bond to be posted; he didn't undergo root canal without anesthesia; he didn't love a crack ho; etc., etc. The writerly classes are atwitter about the future of the memoir genre. Us, we're angry at Frey because we paid him $20,000 for an excerpt, which he turned around and sold to both *Granta* and *Hustler*. We caught him in a parking lot, though, and broke his legs and made him give it back. Punk. Teach you to mess with NR.

■ The death of a little magazine diminishes every other little magazine, especially when, as with the *New Leader* (1924–2006), we shared a goal. In 1936, the Socialist publication came under the editorship of Russian émigré Samuel Levitas, and became the voice of anti-Communism for liberals (in that heyday of the Popular Front, liberals heard it even less than they did at the end of the Cold War). The *New Leader* published Orwell, Solzhenitsyn, Joseph Brodsky, Milovan Djilas, and a raft of top-drawer American writers and thinkers, including some—Max Eastman, John Chamberlain, Henry Hazlitt—who would later write for NR. It managed this on a shoestring (contributors were paid $100). Finally the shoestring broke. R.I.P. The Soviet Union, happily, died first.

■ NBC has announced that *The West Wing* has been cancelled. We haven't watched it in a while: a state of affairs sufficiently commonplace to justify canceling the multiple Emmy winner. Apparently, there is a very liberal Mexican-American congressman from Texas (played by Jimmy Smits) running against a fairly liberal pro-choice Republican (played by Alan Alda) from California to replace the sitting very liberal, but very religious, president—and Nobel Prize winner—from New Hampshire. (These are some of the more plausible aspects of the program.) The show was conceived during the Clinton years and received its highest critical acclaim on Clinton's watch. Along with a slew of similar films, it represented an attempt by Hollywood both to rebut conservatives and to show the real-life occupant of the West Wing how it should be done. The Bush presidency destroyed that rationale. The show was enamored with the Progressive view that the president "runs" America, which was fine when a liberal was in the Oval Office but horrifying under a Republican. Enter Alan Alda, the sort of Republican Hollywood could vote for but America couldn't. Camelot lasted a mere thousand days. But NBC's *West Wing* made it through 2,500. We'll leave it to historians to determine which was the greater fantasy.

■ Hwang Woo-suk, the South Korean scientist whose pioneering work with stem cells was really just a hoax, has a job offer on the block—with another cloning company. Who would hire a disgraced scientist to do the same kind of work he previously faked? The company's name is Clonaid, and it's part of the Raelian cult, a bizarre religious movement that believes human beings were originally cloned by a race of super-intelligent aliens called Elohim. Oddly enough, this isn't the first time Clonaid and Woo-suk have been in the news together: Back in 2004 Clonaid boasted that it had cloned the first human being (appropriately named Eve), but Woo-suk fired back that it was "nothing but a lie." "Everyone [in the cloning community] is aware of what everyone else is doing," he explained (that's dramatic irony for you). We're glad to see Clonaid has no hard feelings—honor among thieves and all. No word yet on what kind of compensation package Clonaid is offering, but the offer itself is a fitting coda for the sad career of Hwang Woo-suk.

■ At Le Moyne College, Scott McConnell was pursuing a graduate degree in education when he wrote a term paper describing the ideal classroom environment as one that would be "based upon strong discipline and hard work" and that could include "corporal punishment." He received an A- for the paper, in keeping with his impressive academic record—he boasted a 3.78 GPA and had received an "excellent" evaluation for his classroom work. A few months later, however, he was summarily dismissed from the college by the chairman of the education department. She cited a "mismatch between [his] personal beliefs regarding teaching and learning and the Le Moyne College program goals." Translation: His impure thoughts made him unfit to be a teacher. With the help of the Foundation for Individual Rights in Education and the Center for Individual Rights, McConnell took his case to court and won, successfully

BIN LADEN SPEAKS

It was awkward: Democrats'
Faces aped Aunt Pittypat's
Just before Atlanta fell.
Murtha modified "pell-mell,"
While a florid Howard Dean
Turned from puce to Paris green.
When the CIA confirmed
Yup, it's him, abdomens churned.

—W. H. VON DREELE

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arguing that his school had acted in bad faith: It had promised him freedom of expression and then expelled him when he expressed himself. But while Le Moyne may have lost the lawsuit, it has won top prize in the Collegiate Network's Campus Outrage Awards for 2005—a well deserved accolade if ever there was one.

■ We hesitated to embarrass our more delicate readers with *two* paragraphs about nudity, so here are the two stories wrapped up as one. First, in yet another illustration of the fact that we really should find something useful for our federal judges to do with their time, a U.S. district judge in Florida has found that local laws in Daytona Beach prohibiting public nudity are in violation of the First and Fourteenth Amendments. Second, an Islamic cleric in Egypt has issued a fatwa to the effect that nudity during the act of sexual congress invalidates a marriage. So in the one place, citizens may not act together to ban vulgar, information-free displays they find displeasing; in the other, citizens may not act in their most private moments in ways they find pleasing; in both, normal and harmless human preferences exist, or are annihilated, at the whim of robed, arrogant, overeducated functionaries.

■ Contestants for the Miss America pageant in Las Vegas, Nev., were subjected to the usual pre-pageant interviews by the panel of judges. The questions are apparently directed toward issues pertinent to the interviewee's state. Miss Nevada, a fetching 23-year-old blonde named Crystal Wosik, was asked about the Yucca Mountain repository for spent nuclear fuel, a sore point for anti-nuclear activists in Nevada. Replied the winsome Ms. Wosik, perhaps driven by an excess of pride in her home state: "It has to go some place, and that was the best-built facility in the country." But what if people die? asked the flabbergasted judges. Replied the lady: "We just have to take one for the team." Admirably public-spirited and patriotic, you might think. Alas, in the beauty-pageant world, public spirit is not supposed to extend any further than airy expressions of concern for world peace, disadvantaged children, and "the environment." Miss Nevada did not make the final ten, and the contest was won at last by Miss Oklahoma, a ballet dancer and anti-drunk-driving activist. Worthy enough, no doubt, but Miss Nevada had our vote.

■ The University of Kentucky is about to host the creation of the first chapter of Gamma Gamma Chi, the nation's first-ever Islamic sorority. Have fun, ladies! But a warning to Lexington men: Panty raids at *this* house may be punishable by beheading.

■ One of our original arsenals of democracy—the New Haven factory that armed generations of Americans with Winchester rifles—will close on March 31. Winchesters will be available in the future, but in all likelihood none will be manufactured in the United States. That's a shame, because this brand name is so closely associated with American history: The Winchester '73, a lever-action rifle, is often called "the gun that won the West." In recent years, Winchester rifles have been made by U.S. Repeating Arms, a subsidiary of a Belgian company, in a licensing deal with the Olin Corporation, which purchased a struggling Winchester enterprise in 1931. The plant in New Haven was not operating anywhere near capacity. Although the job of winning the West has long since ended, the fight to spread freedom and democracy goes on in other places. Would that the weapons we need for that urgent task perform as well as the Winchester.

■ Heinrich Harrer died on January 7 at the age of 93. Harrer was a member of the first team to conquer the North Face of the Eiger, back in 1938. An Austrian, he joined the SS around that same time, not because he knew or cared anything about politics, but because they offered him a job as a ski instructor. Sent to Kashmir in 1939 to seek challenging mountains, Harrer was interned by the British, escaped, made his way to Tibet, and became tutor to the young Dalai Lama. Harrer's book *Seven Years in Tibet* remains one of the best ever written about that country. A rather good movie was made from it in 1997—that was when the Communist Chinese and their stooges, enraged by Harrer's truth-telling about the rape of Tibet, seized on his Nazi past in attempts to discredit him. Harrer was never an active Nazi, and Simon Wiesenthal gave him a clean bill of health. Harrer was a brave man who did much good and no evil. He lived an enviably full life. The long-suffering people of Tibet have lost an eloquent friend; the precipices and ice-fields of the world's most challenging mountain ranges have lost a formidable enemy.

THE LAW

Alito vs. the Democrats

SENATE DEMOCRATS threw everything they could at Samuel Alito. They distorted his decisions, and his memos. They questioned his ethics. They even tried to paint him as a bigot. But by the end of a week of hearings on his nomination to the Supreme Court, it was the Democrats who had been diminished. Alito was able to explain what his cases had really held, and why. He pointed out that his participation in a case involving Vanguard mutual funds was a non-issue: Although he holds funds with Vanguard, neither he nor the company stood to lose or gain anything in the case. The records of Concerned Alumni for Princeton corroborated his assertion that he had little to do with the organization, and that his joining it did not prove that he hates women and minorities.

When Republican senator Lindsey Graham expressed regret that Alito and his family had been subjected to baseless smears, Alito's wife was moved to cry. Her tears did not shame the Democrats, but made them fearful of the political consequences of their unfairness. Alito will almost certainly be confirmed. Ted Kennedy has been reduced to complaining that the issues were too complicated for the public to understand.

The Democrats were not even able to get the nominee to make substantial concessions. He allowed that *Griswold*, the right-to-contraception case, was going to stay on the books. But he refused to endorse a right to privacy floating free of the constitutional text. He embraced originalism explicitly, something

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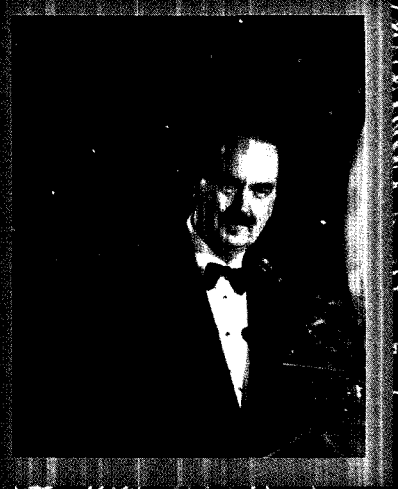

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The Week...

John Roberts did not do. Perhaps most refreshingly, Alito, when asked about the power of Congress to limit the courts' jurisdiction, did not follow the normal instincts of his colleagues on the bench to defend judicial supremacy.

These are very good portents, and we look forward to being able, soon, to refer to "Justice Alito."

AT WAR

Listen and Learn

There are really just two questions about President Bush's decision to order surveillance, without warrant, of the international phone calls and e-mails of people with known al-Qaeda connections. One, is it legal? And two, should he have done it?

The answer to the first question is most likely yes. It's true that the Foreign Intelligence Surveillance Act, or FISA, requires the executive branch to seek a warrant when eavesdropping for intelligence purposes. But it's also true that court decisions over the years have said that the president, as commander-in-chief, has the inherent constitutional authority to order surveillance on his own—an authority that cannot be taken away by Congress. In the 2002 decision *In re: Sealed Case*, the FISA Court of Review wrote that "all the . . . courts to have decided the issue held that the president did have inherent authority to conduct warrantless searches to obtain foreign intelligence information. . . . We take for granted that the president does have that authority and, assuming that is so, FISA could not encroach on the president's constitutional power." While there is no Supreme Court precedent on this matter, the president appears to be on solid legal ground.

Should he have exercised this legal authority? There was certainly a need; we know that there were significant problems in getting quick FISA warrants for the kind of surveillance the president needed to do. Two years ago, for example, members of the September 11 commission said that the warrant application process was "long and slow" and that "requests for such approvals are overwhelming the ability of the system to process them and to conduct the surveillance."

But if President Bush saw the urgent need for quick surveillance, his opponents say, why didn't he ask Congress to expand his authority? Perhaps he should have. But it is possible that going to Congress would have required too much disclosure about our methods of surveillance. Given that possibility, given the president's constitutional authority, and given the need for quick action—what should the president have done when American forces acquired Khalid Sheikh Mohammed's data-filled laptop?—there is a good case for the course of action that the president took.

Now the politics. You remember that in the 2004 presidential campaign, John Kerry and his Democratic allies claimed that George W. Bush had become so obsessed with Iraq that he "took his eye off the ball," that is, that he ignored the real terrorist threat from al-Qaeda. Now, however, it turns out that the president had his eye—and his ear—on al-Qaeda all along, and now some Democrats want to impeach him for it. Go figure.

A speech by former vice president Al Gore flirted with impeachment. Gore delivered a full-throated denunciation of the NSA surveillance and nearly everything else the Bush administration has done in the War on Terror. He accused the president of "breaking the law repeatedly and insistently" and said Congress should hold hearings on the "serious allegations of criminal behavior on the part of the president, and they should follow the evidence wherever it leads."

If President Bush erred at all, he erred on the side of protecting the United States. People know this, and Democrats will not be able to convince them that it is an impeachable offense—or that they should entrust their security to a group of people who believe that it is.

POLITICS

Shadegg for Leader

The race for House majority leader is on, with an election set for Feb. 2. The overwhelming favorite is majority whip and acting majority leader Roy Blunt, who with the assistance of Tom DeLay built a formidable political and financial machine in recent years. Running second is John Boehner, the chairman of the House Education and Workforce Committee, a well-liked conservative. The dark horse is a late entrant, John Shadegg of Arizona. All three candidates have conservative voting records and are capable of handling the job, but our candidate is Shadegg, the underdog.

John Shadegg is a member of the class of 1994 who never lost the conservative, reformist spirit of that watershed year. He voted against President Bush's No Child Left Behind legislation and, more recently, against the prescription-drug bill. He has warm personal relations with some of the conference's moderates, and is a fresh face at a moment that cries out for one.

There are three questions for the House GOP in the current environment: Can it clean up its image? Can it reform practices that have at best made for sloppy governance and at worst contributed to corruption? And can it pursue policies that restore the trust of its political base and restore a purpose to an often direc-

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■ Mr. Christopher Buckley cordially invites you to join him in New York City on February 9, 2006, for a cocktail party and buffet dinner in celebration and support of National Review and National Review Online. Editors in attendance will include Richard Lowry, Jay Nordlinger, Jonah Goldberg, Ramesh Ponnuru, Richard Brookhiser, Kate O'Beirne, Kathryn Jean Lopez, John Derbyshire, and Andrew Stuttaford. For details, please contact Kevin Longstreet at 212-679-7330, ext. 2833, or e-mail him at klongstreet@nationalreview.com.

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tionless majority? Shadegg is the best candidate on all counts.

Of the three contenders, he is the candidate least associated with the status quo, and the cozy world of K Street. After his election, the next majority leader must be able to withstand withering scrutiny from a media eager to take down another top Republican on ethical grounds. Although Shadegg—along with a bipartisan majority in Congress—has minor connections to the disgraced lobbyist Jack Abramoff, he has never been close to K Street.

When it comes to reform, Shadegg wants to push to tighten lobbying rules, control earmarks, and change the antiquated budget process that favors out-of-control spending. He opposes the outright ban on private travel proposed by Speaker Hastert and supported by Blunt and NR. Private travel is an unnecessary perk that is prone to abuse. But the spending reforms are most important and we believe Shadegg is the candidate most committed to them.

On policy, Shadegg is a conviction conservative. A majority leader can't be a purist, of course, and, as we have often noted, it's not a lack of will or conviction alone that has created limited-government conservatism's difficulties—larger forces are at play. But given the dismaying recent drift, the top of the leadership could use an infusion of Shadegg's unvarnished principle.

ROE AT 33

The Crumbling Castle

On the 33rd anniversary of *Roe* v. *Wade*, the decision seems simultaneously to have become more sacrosanct than ever, and more imperiled than ever. It is supposedly well-settled as a matter of law. Even some former opponents of the decision believe that it has survived for so long that it should not be overruled. The op-ed pages are full of liberals who allow that *Roe* was never a well-reasoned inference from the Constitution, but say it's too late to let it go.

Since polls find the decision to be popular, it seems to be protected by both legal and political fortifications. Yet we are constantly warned that the president is chipping, chipping away at *Roe*, and that each of his Supreme Court appointments could be the last vote to overturn it.

There are ways of resolving the apparent contradiction. Maybe the explanation is that conservative Republicans are radicals, attempting to unsettle what's settled and zealous enough that they might just succeed. Or it could be that pro-abortion groups are crying wolf about the danger to *Roe*: Surely each nominee to the Supreme Court can't be the deciding vote against it. (Given the mercy an end to *Roe* would show to the unborn, perhaps "crying lamb" would be a more appropriate phrase?)

But we think that the best explanation is that *Roe*'s apparent strength is largely illusory. Take those polls. Do they really mean that 66 percent of the public (to use the figure from a December NBC/*Wall Street Journal* poll) don't want the Supreme Court to allow state legislatures to be able to prohibit third-trimester abortions? Surely not: Polls find that even larger majorities want such prohibitions. Many people believe, wrongly, that *Roe* protects only first-trimester abortions, a misimpression that most polls (including the NBC/*Journal* poll) go out of their way to foster. Many people also believe, wrongly, that overturning *Roe* would automatically lead to a national ban on all abortions. What polls on *Roe* really measure is public opposition to an immediate national ban.

The relevance of these polls to actual political behavior is tenuous. The public's support for *Roe* does not even translate into opposition to the confirmation of Supreme Court nominees who might vote against it—as public support for John Roberts and Samuel Alito makes clear.

Nor is *Roe* all that well-settled a precedent, which is perhaps what occasions all the somewhat nervous claims that it is. The last time the Court really reconsidered the issue, in a 1992 case called *Casey*, it junked the trimester scheme that popular imagination and pollsters still consider central to *Roe*. When the Court considered the biggest abortion-related controversy of the last decade, in its 2000 decision on partial-birth abortion, the authors of *Casey* could not agree about what *Casey* meant.

In the partial-birth decision, the Court threw out laws in part because they could (supposedly) sometimes be applied in unconstitutional ways. In its *Ayotte* decision last week, it unanimously suggested that the possibility of unconstitutional applications was *not* a good enough reason to throw out an abortion law. State legislators cannot be blamed for not being able to figure out what regulations constitute an "undue burden" on the right to abortion, and thus will be struck down by the Supreme Court, because the undue-burden standard depends on the subjective feelings of the judges.

The Court would be perfectly justified in concluding that its attempts to micromanage abortion policy have failed, in regarding this failure as an indictment of its pretensions to have any special expertise or authority to do so, and in scrapping *Roe*. In *Casey*, the Court argued that many people have relied on the availability of abortion in the event of contraceptive failure, and that this fact was a reason to continue to protect a right to abortion. But legislatures are perfectly capable of deciding what weight to give to that fact.

The justices may prefer to move incrementally. They may decide, when they again rule on partial-birth abortion later this year, to rule narrowly: to cede just enough legislative authority back to legislatures to let them prohibit partial-birth abortion. Little by little, they might restore democracy in this area.

Roe's twin fortifications are there to protect each other's weaknesses. The alleged popular ratification of *Roe* is invoked to cover its legal implausibility. But if the Court were truly to follow public opinion, it would have to allow prohibitions on late-term abortions and substantial restrictions on early-term abortions. So the majesty of the law and the authority of the Court have to be invoked against this threat. The only way to keep the game going is through sleights of hand, diversions, and illusions: *Roe* creates only a limited right to abortion; everyone loves *Roe*; it is settled law; repeat as necessary.

The pro-abortion activists are right to be alarmed.

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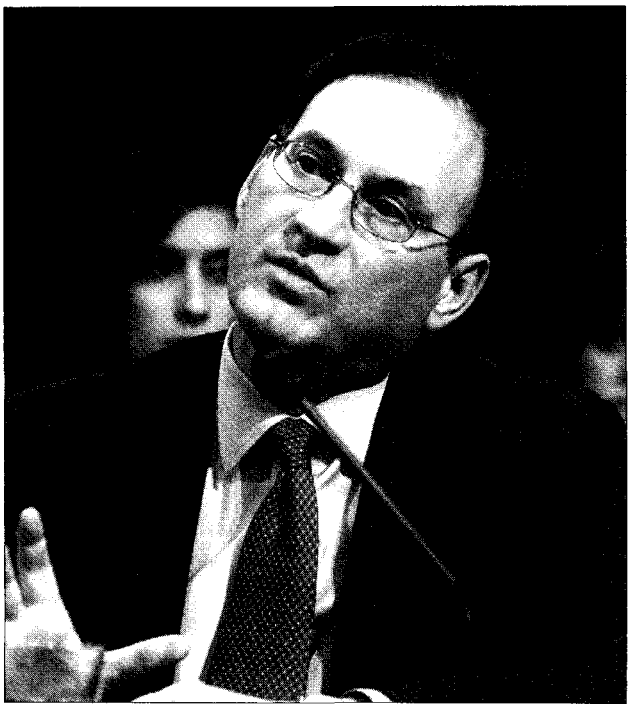

■ THE SUPREME COURT ■

Hearing Lessons

A how-to guide for judicial confirmations

RAMESH PONNURU

If Samuel Alito is eventually confirmed as a justice, as he almost certainly will be, we won't have a conservative Supreme Court. Most legal conservatives do not regard Justice Anthony Kennedy as one of their number. So even if Alito and Chief Justice John Roberts turn out to be everything a conservative could want in a justice, the conservative bloc on the Court will include only four justices.

Scratch that "only." In the history of the modern conservative movement, and certainly of the conservative reaction to judicial activism that began during the Warren Court, four represents a high-water mark. The last time conservatives had anything close to this level of strength on the Court was between 1991 and 1993, when Chief Justice William Rehnquist, Byron White, Antonin Scalia, and Clarence Thomas made up the Court's right wing. And Justice White wasn't really a conservative, although he joined conservatives in refusing to read a right to abortion or to sodomy into the Constitution. Roberts may turn out to be a little to Rehnquist's left, but Alito is almost certainly well to White's right.

Getting four justices on the Court is a substantial achievement for conservatives—and one from which they should learn as they work toward five.

Elections matter. That's the most important (and obvious) lesson. Robert Bork was defeated, and Clarence Thomas was nearly defeated, by Democratic Senates. The confirmations of Roberts and Alito were mostly won on Election Day 2004, when voters returned President Bush to power and expanded the Republican majority in the Senate. Not only that: They elected at least 50 senators who oppose *Roe* v. *Wade*, ensuring that the mere suspicion of a nominee's willingness to vote against *Roe* would not be fatal. As long as Republicans stick together in support of a nomination, it will be very hard for Democrats to defeat the nominee.

Filibusters are overrated. It would be especially hard because the minority party cannot easily use the filibuster to defeat a Supreme Court nominee. Polls have shown that a majority of the public favors confirming Alito. When Democrats have filibustered other judicial nominees, the public has mostly been tuned out. Those nominations have concerned appellate judgeships, and most people neither know nor care about them. Denying an up-or-down vote to a nominee for the Supreme Court is a higher-profile, and thus riskier, proposition. Since Bush picked clearly qualified, mainstream conservative judges as his nominees, it quickly became clear that Democrats would filibuster only at their own peril.

If the Democrats filibuster, the public will likely react negatively. Republicans might retaliate by changing the rules to prevent filibusters of judges—even the lower-profile filibusters on which the Democrats have sometimes prevailed.

The question was merely whether their left-wing base would force them to follow this course of folly; and the answer appears to be no. Democrats can retain their theoretical right to filibuster so long as they never exercise it when it really counts.

The groundwork has to be laid. Electing Republicans to office wouldn't have yielded conservative justices if the cause had not been established as important to Republican voters. Here a lot of credit should be given to Justice Antonin Scalia. His dissents have often been criticized for their sarcasm and acerbity. He has sometimes been compared unfavorably to Alito and Roberts, who supposedly play better with others. But it was Scalia's rhetoric that brought home to many conservatives the essential fraudulence of the Court's claim to be interpreting the Constitution in good faith. And as that conviction took root among conservatives, so did a sense of the urgency of corrective action—which helped to lead to the nominations and confirmations of Roberts and Alito.

Liberal imaginations are limited. The liberal writer Jonathan Chait has observed that his fellow liberals often confuse conservatism with meanness, and therefore

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assume that a nice Republican cannot be a conservative one. Thus George W. Bush convinced a lot of liberals that he wasn't conservative by saying he was compassionate, and then outraged them by proving that in important respects he is conservative. Roberts and Alito seem to have led some liberals to make a similar mistake: in this case, confusing judicial temperament for judicial philosophy.

That is, because it is hard to picture Roberts or Alito writing the stinging opinions of a Scalia, liberals have assumed that they would reach markedly different conclusions. In particular, some of them have refused to go to the ramparts over *Roe* because they can't imagine that a sensible, careful judge would vote to overrule it. This seems like a big mistake.

The politics of the judiciary generally favors conservatives. Each party can draw on some popular themes in battles over the judiciary: for example, "privacy" for the Democrats and "law and order" for the Republicans. But the Democratic themes are not powerful enough to defeat Republican nominees. The prospect of "conservative judges" does not scare people. The issue of privacy can be easily defused: The nominee merely has to concede that the Constitution protects privacy in certain important respects and that the Supreme Court's decision to protect contraception as a privacy right is here to stay. Both claims are true and no conservative need have any qualms about saying them.

When "privacy" claims get more specific than that, the sledding is even easier. The public favors *Roe*, or at least a mythological version of it, but it is not so attached to *Roe* that it demands the defeat of any nominee who might undermine or vote against it. And when privacy means restrictions on the government's ability to fight terrorists, the public tends to oppose it.

To the extent that battles over the judiciary become battles over "values issues," they tend to help Republicans—for the same reasons that they tended to help Republicans in the 2004 election. Democrats in red states felt no pressure to vote for Bush's Social Security reform, but they have manifestly felt pressure to vote for his qualified Supreme Court nominees.

Timing is everything. The White House defined Roberts and Alito as mainstream, qualified jurists early. It was a far cry from Robert Bork, who was defined in the very first days of his nomination by Ted Kennedy's dystopian speech about "Robert Bork's America."

If the first thing that anyone had heard about Alito when he was nominated was that he had bragged about his work against *Roe* v. *Wade* in 1985, he would have been tagged as a hotheaded culture warrior, and it would have been hard to change that impression. But once the impression was set that he was a sober, workmanlike judge, the revelation couldn't change that impression either. The same thing is true of Roberts: There were lines in his resume that could have scared off some voters and senators, but the evidence that he was a solid conservative came out after, and thus did not overshadow, the evidence that he was, first and foremost, a good judge.

There is some truth to the notion that we are better positioned to win these battles. But not as much truth as there ought to be.

The war room needs work. Conservatives are crowing that the Alito hearings show that the Democrats no longer have the monopoly on the media required to perform a Borking. Distortions of the nominees' records will be immediately countered by Fox, by talk-radio hosts, and by bloggers. Moreover, we now have organizations devoted to winning the judicial-confirmation wars, whereas much of the Right was asleep during the Bork hearings.

I've said such things myself, and so, with more elegance, has Peggy Noonan recently. There is some truth to the notion that we are better positioned to win these battles. But not as much truth as there ought to be. Democrats have put quite a few distortions about Alito's record into common currency.

To take one example: During his opening statement, Sen. Richard Durbin claimed that Alito had tried to make presidential interpretations of law trump congressional interpretations of them. He said that Alito had written that by issuing signing statements about legislation, "the President will get in the last word on questions of interpretation"—implying that Alito was saying that the president's word would be the most authoritative. But that's not what Alito meant at all. In truth, Alito wrote that a *disadvantage* of signing statements is that they would come after congressional debates. Here's the full phrase from which Durbin quoted: "Congress is likely to resent the fact that the President will get in the last word on questions of interpretation."

Durbin reversed Alito's meaning. None of the Republican senators called him on it; and while bloggers on National Review Online did, almost nobody else followed them up. Erwin Chemerinsky, a Duke University law professor, repeated Durbin's smear during his testimony. Again, nobody called him on it.

Maybe the Republicans figured that they didn't need to fight over the details since Alito's confirmation looked assured. But that's a dangerously complacent attitude. By the hearings' end, the notion that Alito supported essentially limitless executive powers was widely accepted as fact, largely because of unanswered distortions such as Durbin's. In the *Washington Post*, Dana Milbank described Alito's theory of the unitary executive as "an extreme view of presidential power" in an aside, as though this were a universally accepted characterization. And Democrats who announced they were voting against Alito cited his supposed pro-executive extremism. If Republicans had answered them point for point, those Democrats would probably still have voted against him—but they would not have been able to cite as credible-sounding a reason.

We have won the battle over Samuel Alito because we hold the Senate, because Alito is well qualified and handled himself well in the hearings, and because his wife's tears helped to dramatize Democratic unfairness—not because of our organizations and our bloggers.

It might go differently next time. What happens if the Democrats retake the Senate this fall and Bush nominates someone to become the crucial fifth vote on the Court in 2007? Something very like this sequence of events played out in 1987 with the Bork nomination. The most important lesson about confirmations is the first one: Elections matter. **NR**

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About Your Professor

Professor Louis Markos is Professor of English at Houston Baptist University. He received his M.A. and Ph.D. in English from the University of Michigan, where he won the Outstanding Teaching Assistant Award. He was named Opal Goolsby Teacher of the Year at Houston Baptist. He is author of *How C. S. Lewis Can Train Us to Wrestle With The Modern and Postmodern World.*

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■ THE RIGHT

Off Course

Some conservatives keep the strangest company

BYRON YORK

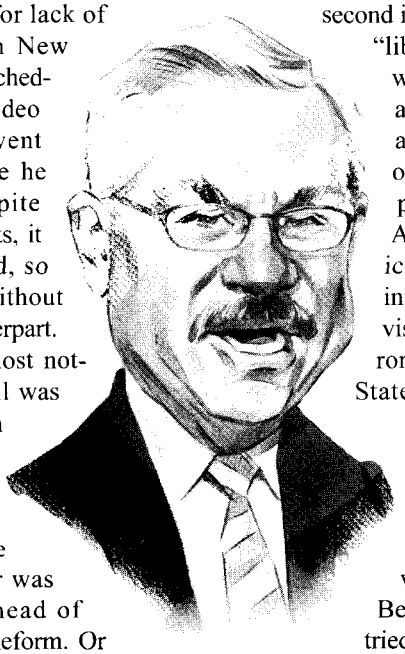
JUST for the record, David Keene doesn't hesitate to say what he thinks of Al Gore—"He's a fool"—or the former vice president's followers at MoveOn.org—"These are nutty people." Of course, sentiments like that might not seem newsworthy coming from Keene, who, as the longtime head of the American Conservative Union, has spent a career fighting just about everything that Gore and the nation's largest left-wing activist group stand for. But these days Keene's thoughts are news because Gore and MoveOn, along with some of their allies on the left, are claiming a number of conservative groups, including Keene's, as partners in what might be called the war on the War on Terror—and on George W. Bush.

On January 16, for example, when Gore traveled to Washington to give a blistering speech in which he accused the president of curtailing Americans' civil liberties, shredding the Constitution, and "breaking the law repeatedly and insistently," organizers told reporters that the event was the product of a coalition that included groups as disparate as the American Conservative Union and MoveOn; the ACLU and Americans for Tax Reform; and Amnesty International and the Free Congress Foundation. "We're not interested in Democrats versus Republicans or Republicans versus Democrats," said Michael Ostrolenk, head of the Liberty Coalition, which organized the event (along with a liberal legal group, the American Constitution Society). "We think this is an issue of the American people versus the state."

The Liberty Coalition is a little-known group that calls itself "transpartisan" and says it is dedicated to "preserving the Bill of Rights, personal autonomy, and individual privacy." The organization enlisted its biggest-name supporter, former Republican congressman Bob Barr, to introduce Gore.

Despite, or perhaps because of, his past as a member of the Clinton impeachment team, Barr's name was a major selling point for groups on the left, who were delighted to have a right-winger on their side. MoveOn sent a mass e-mail to its members, urging them to attend the Gore event. "This is a big moment," wrote Eli Pariser, MoveOn's executive director. "We're coming together from across the spectrum to protect the principles that are core to our identity as Americans."

In the end, Barr didn't appear with Gore, but it wasn't for lack of trying. Barr was in New York at the time and scheduled to appear by video link, but the link went down shortly before he was to speak. Despite everyone's best efforts, it couldn't be restored, so Gore went ahead without his Republican counterpart.



Bob Barr: Gore guy?

Yet perhaps the most notable thing about it all was not the video glitch but the absence of all the other conservatives. David Keene was nowhere to be found. Neither was Grover Norquist, head of Americans for Tax Reform. Or Paul Weyrich of the Free Congress Foundation. In fact, when NATIONAL REVIEW got in touch with Keene, he said he had nothing to do with Gore's appearance. When speech organizers asked him to take part, Keene recalls, "I said absolutely not, because, first of all, Al Gore is a fool."

Second, Keene says, associating the American Conservative Union with the event would be of enormous value to MoveOn and other groups, allowing them to claim that their anti-Bush crusade was a bipartisan undertaking. "I'm not interested in giving value to the MoveOn crowd," Keene says. "We would have nothing to do with those people."

A spokesman for Americans for Tax Reform says it, too, had nothing to do with the Gore event. The same for the Free Congress Foundation. So how did they get into the story? It appears the people at the Liberty Coalition did a little stretching in their effort to make the event seem "transpartisan." But the conservatives also helped create the problem by their decisions, on other occasions, to join with some of the more strident groups on the left in opposition to the Bush administration's most important tool against terrorism, the Patriot Act.

Conservative opposition to the Act focuses on three things. The first is what has been called the Act's "sneak-and-peek" provision, which allows investigators, with court approval, to conduct searches without telling the targets. The second is what might be called the "library records" provision, which allows investigators, again with court approval, access to personal records of possible terrorist suspects. And the third is the Act's definition of domestic terrorism, which allows investigators to use its provisions to go after some terrorist groups in the United States.

Conservatives such as Keene and his colleagues who object to those provisions also stress that they agree with the Act's other parts. Because of that, they have tried to walk a fine line, voicing limited opposition while trying to avoid becoming too close to those on the left who oppose not only the Act but also virtually everything else that Bush has done in the War on Terror.

It hasn't always been a successful effort. For example, last summer Keene hoped that a House Judiciary Committee hearing on the Act would serve as a good sounding board for conservative reservations. Instead, it turned into a circus when Democrats used the occasion to bash Bush on everything from immigration to the treatment of prisoners at Guantanamo Bay. And then there was the time, in October 2003, when Keene and Norquist appeared at a panel discussion of the Patriot Act—moderated by the left-wing actor Alec Baldwin—sponsored by the

DARREN GYGI

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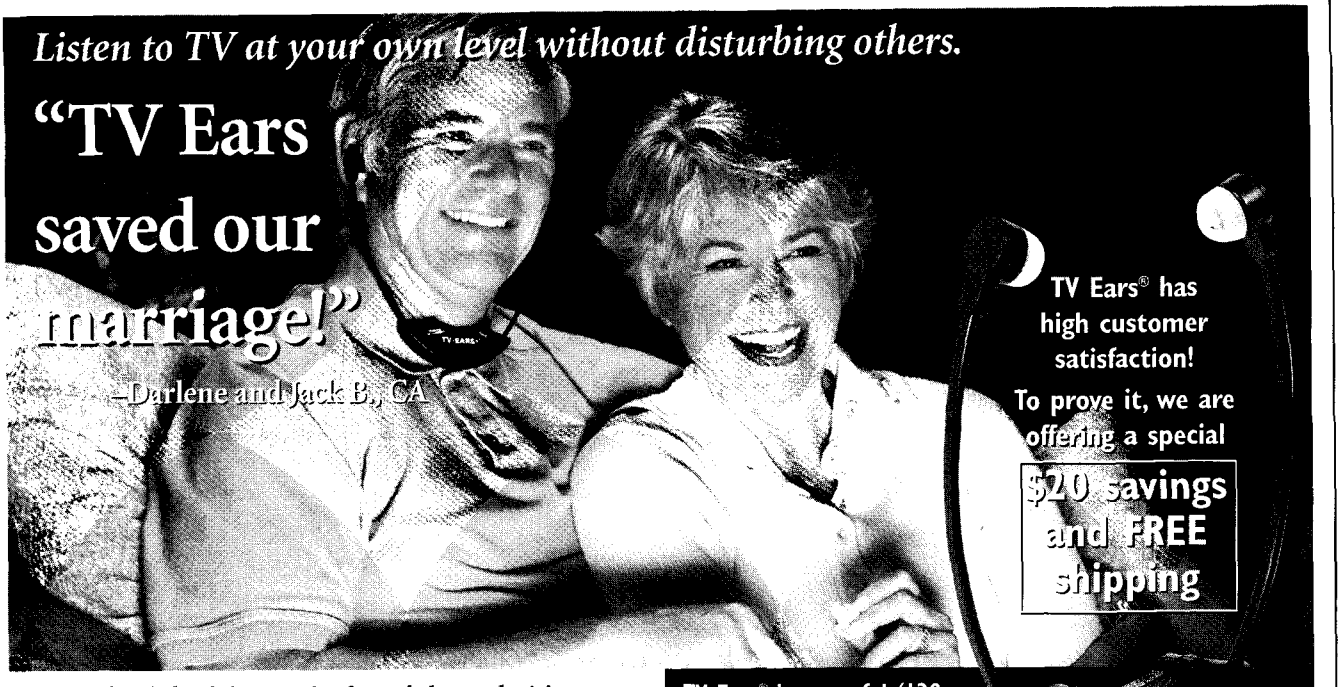

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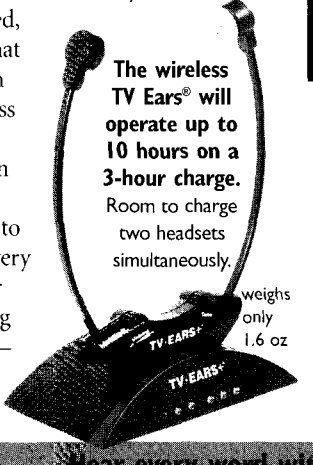

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liberal activist group People for the American Way. Before that session, attendees were handed a copy of PFAW's report, "Two Years After 9/11: Ashcroft's Assault on the Constitution." It wasn't exactly a model of nonpartisanship.

The cooperation of some conservatives with attacks like that has deeply frustrated some defenders of the Patriot Act. "I certainly understand their concerns as individuals who have devoted a lot of time to thinking about government intrusions, about government interference, about big-brother government," says Mark Corallo, a former Justice Department spokesman. "But I don't understand how they can be so vehemently against something that has been so helpful in the war on terror and has had absolutely zero impact on the civil liberties of the American people . . . It strikes me as incredibly frustrating that they have bought into this loony left-wing mantra that our privacy rights are more important than our right to life."

Keene understands the sentiment but feels that he has stayed true to his conservative principles throughout. Yes, a number of Democrats oppose the Act for partisan reasons, he says, "But the fact that they do that for their own reasons does not mean you don't have an obligation to look at it on the merits and take actions for your own reasons." As for Barr, well, he seems less troubled by the excesses of his new colleagues.

When asked about Gore's speech, for example, he defended both the event—"It was indeed bipartisan," he told NATIONAL REVIEW in an e-mail exchange—and the speaker, saying that Gore's "defense of our Constitution should transcend partisan politics or be transpartisan."

Now the anti–Patriot Act coalition is moving on to the controversy over the National Security Agency's warrantless surveillance of the international communications of people with known al-Qaeda connections. It promises to be another strange-bedfellows affair: While the conservatives voice careful concerns about the issue, their allies on the left will talk passionately about impeaching President Bush. And that will leave the conservatives again to explain that they don't support the opinions of their nominal allies against the administration. Transpartisanship can be very hard indeed. **NR**

■ **CONGRESS**

Traveling Foul

The Democrats' national pastime

STEPHEN SPRUIELL

Just days after the GOP announced a "lobbying reform" package meant to mitigate political damage from the Jack Abramoff scandal, the Democrats held a grandstanding press conference at the Library of Congress to announce their own lobbying-reform ideas. Even as Democrats accused the Republicans of not going far enough, their own plan came up short in one widely debated area. While the Republican plan would ban *all* privately funded travel for congressmen and congressional staff—those "fact-finding missions" to any destination where the facts can be gathered lazily near a golf course or a beach—the Democrats' plan would leave a loophole open for nonprofits to sponsor trips. According to the *New York Times*, "Congressional aides said that House Democratic leaders were ready to jettison travel completely but ran into resistance from Senate Democrats who wanted to retain the ability to go on trips sponsored by educational foundations."

An "educational foundation" can be anything from the Aspen Institute, a think tank that pays for legislators to travel to its roundtable events, to the Korea-U.S. Exchange Council, a lobbyist-linked nonprofit at the center of the Abramoff scandal—so leaving the door open for these groups wouldn't change the existing rules in any meaningful way. A congressional aide close to the drafting of the GOP reform package put it this way: "The more exceptions you create, the more people will find a way to get around the rules. It's better just to end it so that people have clear guidelines."

Mr. Spruiell writes the media blog for National Review Online.

But ending it would take away one of the Democrats' favorite perks—the privately funded junket—and leading Democrats are unable to outflank the GOP on this issue because they can't convince their fellow members to give it up. A survey of the record shows that when it comes to free trips, Democrats have more to hide, and more to lose, than Republicans.

The Democrats' problems with privately funded travel are extensively documented on the blog NoAgenda.org. Matt Margolis of BlogsforBush.com created the website to show people that the Democrats aren't really interested in cleaning up Washington and have plenty of ethical issues of their own. NoAgenda.org is an online reference with links to news articles and government reports on the ethics violations of Democrats—including violations involving privately funded travel. For instance, in April 2005, amid high-profile reports that House Majority Leader Tom DeLay had taken a lobbyist-funded trip, Charles Hurt of the *Washington Times* reported that Minority Leader Nancy Pelosi and Democratic Congresswoman Stephanie Tubbs Jones had taken a trip to Puerto Rico in 2001 that skirted the same ethical boundaries.

On the required disclosure forms, Rep. Jones listed a registered lobbying firm as the sponsor of the trip—a violation of House ethics rules. A spokeswoman for Jones, who sits on the House Ethics Committee, attributed the listing to "human error" and claimed that a nonprofit had paid for the trip. Pelosi and several other Democrats on the trip listed that nonprofit, Todo Puerto Rico con Vieques, as the sponsor. The discrepancy, according to the spokeswoman, occurred because the nonprofit had contracted with the lobbying firm to handle the trip's logistics.

If taken at face value, the "human error" excuse means the trip didn't violate ethics rules, but it exemplifies the kind of coordination between registered lobbying firms (which can't pay for travel) and nonprofits (which can) that Democrats have accused Republicans of masterminding. In May 2001, Pelosi took part in a press conference calling for the United States to discontinue its use of the Puerto Rican island of Vieques for Navy

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"Mexico is Becoming the Next Colombia"

By Ted Galen Carpenter of the CATO Institute

Executive Summary

Mexico is a major source of heroin, marijuana, and methamphetamine for the U.S. market as well as the principal transit and distribution point for cocaine coming in from South America. For years, people both inside and outside Mexico have worried that the country might descend into the maelstrom of corruption and violence that has long plagued the chief drug-source country in the Western Hemisphere, Colombia. There are growing signs that the "Colombianization" of Mexico is now becoming a reality.

That tragic prospect is a direct result of Washington's policy of drug prohibition. A prohibitionist strategy inherently creates a huge black-market premium for trafficking in illegal drugs. The enormous potential profit also attracts the most violence-prone criminal elements. It is a truism that when drugs are outlawed, only outlaws will traffic in drugs.

If Mexico goes down the same path as Colombia, the consequences for the United States will be much more severe. Colombia is relatively far away, but Mexico shares a border with the United States and is closely linked to this country through the North America Free Trade Agreement. Chaos in Mexico is already spilling over the border and will adversely impact the United States – especially the southwestern states.

There is still time for Mexico to halt and eventually reverse the Colombianization process, but for that to occur Washington must make dramatic policy changes. For more than three and a half decades, the United States has pursued a vigorous war on drugs that has produced major social pathologies both here and abroad. It is time to rethink the entire prohibitionist strategy.

(Continued at: http://www.cato.org/pubs/fpbriefs/fpb87.pdf)

Common Sense for Drug Policy
H. Michael Gray, Chair; Robert E. Field, Co-Chair
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training exercises—the goal Todo Puerto Rico con Vieques was founded to achieve. Two months later she was in tropical Puerto Rico with Jones on a "fact-finding mission." What "facts" she was looking for is unknown.

Pelosi had to explain herself again in July 2005. After Tom DeLay's trips came under increased press scrutiny, dozens of lawmakers scrambled to file reports on previously undisclosed junkets. In the midst of this, the *Washington Post* revealed that Pelosi had failed to report three privately funded trips taken during the previous seven years. The most expensive of the three (an $8,000 excursion to Taiwan for Pelosi and her husband) was paid for by the Chinese National Association of Industry and Commerce—an organization *The Hill*, a D.C. newspaper, described as one of two business groups "with close ties to the Taiwanese government [that] have sponsored more than $230,000 in congressional travel between 2000 and 2004 without registering as foreign agents as required by law." Records contained in a study of congressional travel undertaken by the Medill School of Journalism at Northwestern University, the public-radio program *Marketplace*, and a documentary unit called American RadioWorks show that the organization spent $189,350 flying American politicians to Taiwan—and that 65 percent of the money was spent on Democrats.

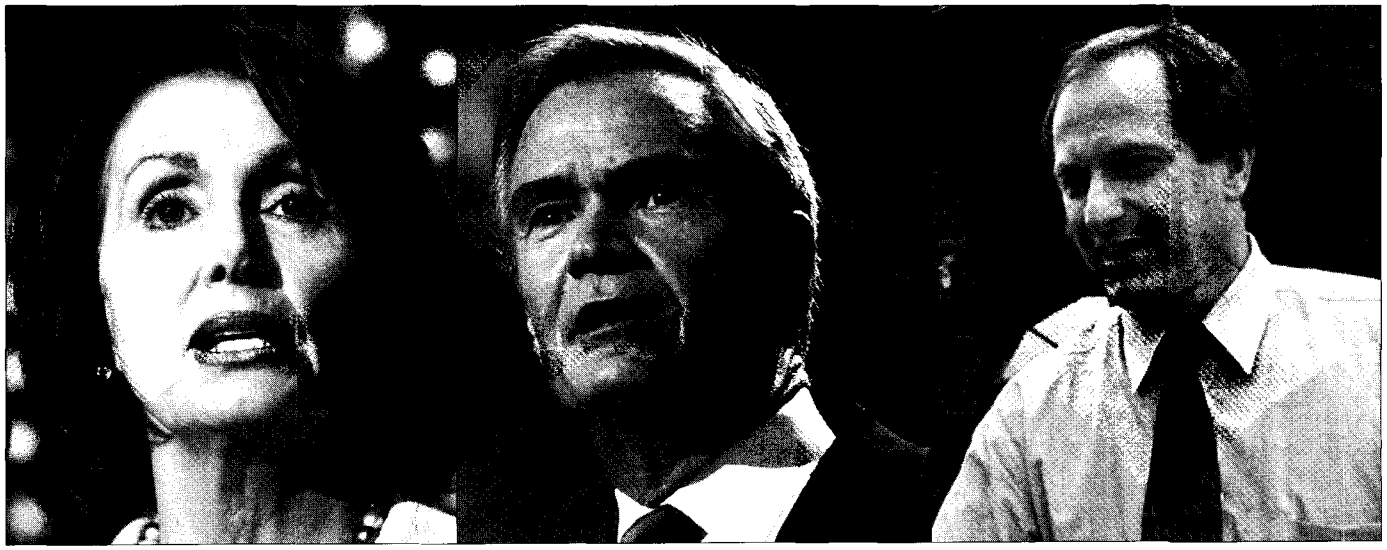
It's not that the Democrats have some special fondness for Taiwan. It's that, according to the Medill study, Democrats take more trips than Republicans in general—over 800 more, since 2000. The study singled out former Democratic senator John Breaux as the "King of Travel." The pharmaceutical industry frequently sponsored three-day weekends in New York and Florida for Breaux in 2003, as he helped write a Medicare bill that added a $500 billion-plus prescription-drug benefit to the nation's health-care entitlements.

Just a day after the Democrats unveiled their reform package, the *Boston Globe* reported that Democratic congressman Michael E. Capuano had taken one of the most expensive trips of 2005—a $19,000 jaunt to Brazil paid for by an association of businesses with interests in the region. When the *Globe* confronted Capuano, he said, "My reaction was the same as yours: What the heck cost so much?" According to the *Globe*, Capuano—a member of the House Transportation Committee—"said he was surprised that his business-class airline seats were so expensive. 'I had no clue,' he said. 'I didn't pay for it.'"

The next day, Bloomberg News Service reported that four Democratic legislators took a trip to Jamaica in early January 2006 and stayed at the Ritz-Carlton, courtesy of Stanford Financial Group, a Caribbean banking interest. According to the Bloomberg report, Congressman Albert Wynn of Maryland "said that while 'clearly travel has been abused' by some lawmakers, if all privately financed trips are eliminated, members of Congress will either have to fly at taxpayers' expense or important regions such as the Caribbean won't get the attention they deserve."

Wynn's going to have a hard time convincing anyone that Democrats are fighting to save privately financed trips out of concern for the taxpayers; these are Democrats, after all. The real reasons Democrats take more trips than Republicans are unclear. One theory is that the Democrats, free of the responsibilities of governing, simply have more time on their hands. In any case, it's clear that the Democrats have grown accustomed to this particular perk. This is not to absolve the Republicans of their promiscuous use of corporate jets and other K Street favors. But Republicans have been willing to go further than the Democrats on the travel issue in their reform package, and as one looks at the record one starts to see why.

Banning private travel is certainly a step in the right direction, as is any measure that reduces the coziness between lobbyists and lawmakers. But in the end, a travel ban addresses the symptoms of the problem and not the cause. As long as legislators can earmark funds for pork projects (like bridges to nowhere and herring museums) and can tinker with the tax code (creating winners and losers in the market), lobbyists will have tremendous incentives to influence Congress, and they will always find ways to do it. Here again, the Democrats stand as obstacles to progress rather than partners



Fellow travellers Pelosi, Breaux, and Capuano

PELOSI: JASON REED BREAUX: TOM WILLIAMS/ROLL CALL CAPUANO: BRIAN SNYDER/REUTERS

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in reform: The Democrats love earmarks, and Nancy Pelosi's suggestion that Democrats give up their pork in order to fund Hurricane Katrina relief went nowhere. Rare too is the Democrat who supports the kind of fundamental tax reform—such as a flat tax or a national sales tax—that would eliminate the opportunities for congressional meddling.

If Republicans wait for the Democrats to step up with real compromises that help change the relationship between K Street and Capitol Hill, they are going to be waiting a long time. Republicans have to get serious about limiting the size and scope of the federal government—the real reason businesses spend so much time and money in Washington—and they will probably have to do it without the support of Democrats. Banning privately funded travel is a good start, but without budget reform it's just a red herring bound for its own taxpayer-funded museum. **NR**

■ **THE DEATH PENALTY**

Protesting Too Much

I have in my hands a list . . .

JOHN J. MILLER

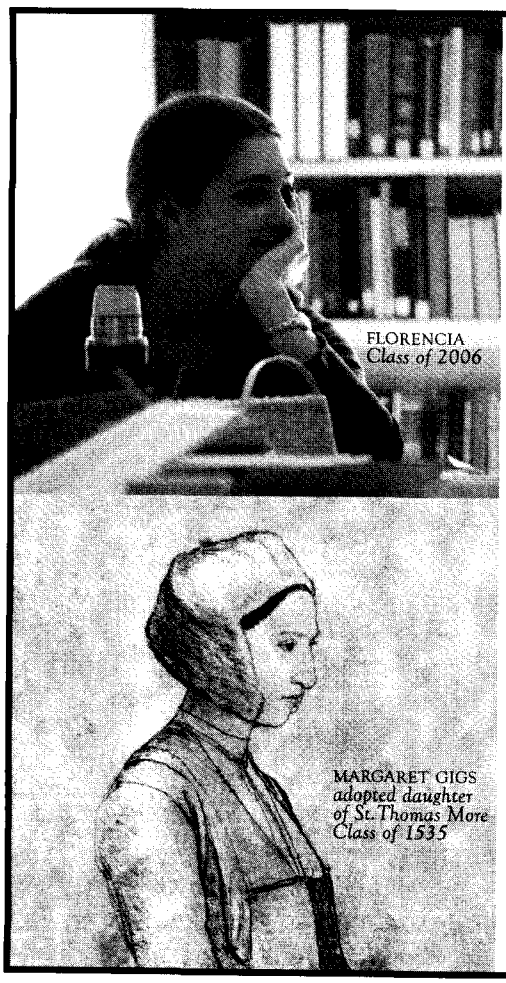
'CHARLIE, what's the biggest cop mistake?" asks a character in the first episode of the new ABC television show *In Justice*.

"Making an early assumption?" replies Charlie.

"Yes, an early assumption—and sticking with it."

And with this insight, the heroes of *In Justice*—a scrappy team of lawyers and investigators who try to free innocent people from prison—arrive at the breakthrough that allows them to right another wrong. The premise of *In Justice* is simple: The criminal-justice system is so fundamentally crooked that it requires a weekly corrective from the fresh-faced do-gooders who work at the National Justice Project. The NJP and its caseload may be fictional—a disclaimer at the start of each episode announces that the show "is not intended to reflect any actual event or person"—but they are based on the various "innocence projects" that have sprung up around the country in recent years. Their goal is to help prisoners who claim to be innocent, and many of them focus on death-row inmates.

Some time ago, opponents of the death penalty recognized that if they were ever going to win hearts and minds, they would need to focus less on candlelight vigils than on producing an irrefutable example of an innocent person who had been wrongly sentenced to death. In



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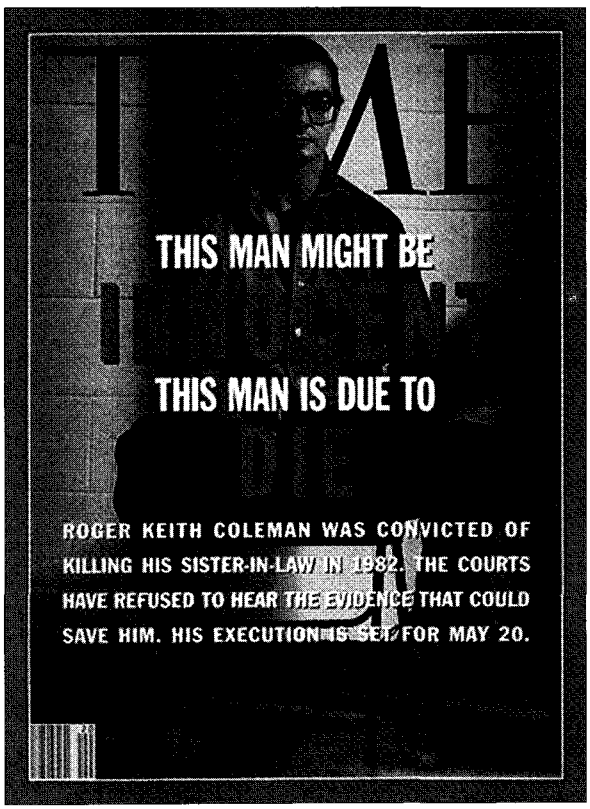
short, they would need a poster child.

What they got was a cover boy: Roger Keith Coleman, a Virginia man who was convicted of raping and murdering his sister-in-law in 1981. He wound up on the front of *Time* magazine in 1992. "This man might be innocent," said the dramatic cover line. "This man is due to die." Despite *Time*'s breathless advocacy on Coleman's behalf—he was described by writer Jill Smolowe as "a poor coal miner, with no spare cash to hire an attorney," as well as the victim of "circumstantial evidence"—Coleman was executed right on schedule. He refused to admit guilt to the bitter end. "An innocent man is going to be murdered tonight," he said as he was being strapped into the electric chair.


THIS MAN MIGHT BE
THIS MAN IS DUE TO
ROGER KEITH COLEMAN WAS CONVICTED OF KILLING HIS SISTER-IN-LAW IN 1982. THE COURTS HAVE REFUSED TO HEAR THE EVIDENCE THAT COULD SAVE HIM. HIS EXECUTION IS SET FOR MAY 20.

After meeting Coleman in 1988, one of the country's most prominent "innocence" crusaders, Jim McCloskey of Centurion Ministries, decided to make Coleman a cause célèbre. For the next four years, McCloskey devoted himself to the case. He attempted to poke holes in the theories of prosecutors, complained about the quality of Coleman's defense attorneys, and generated an enormous amount of publicity. "I was with Roger until half an hour before he was executed," says McCloskey. "I really believed he was innocent." On the night of Coleman's death, McCloskey promised the condemned man that he would keep fighting to clear his name, and that's exactly what he did. Coleman's life and death continued to generate interest and controversy. It was the subject of numerous media reports as well as *May God Have Mercy*, a 1997 book by John C. Tucker that won plaudits from the likes of Scott Turow. ("If you think you believe in the death penalty," wrote Turow in a blurb for the paperback edition, "then you must read John Tucker's lucid, compelling book about blind justice of the wrong kind.")

No legal proceeding is flawless. But in this instance, the jury reached the correct verdict: As new DNA tests released on January 12 demonstrate, Coleman indisputably committed the crimes for which he was executed. "This is a bitter pill to swallow," McCloskey explained in a statement. "Our search for facts can delude us into thinking that what we have found is gold, only to discover that it is in fact fool's gold."

To his credit, McCloskey has discussed the case—and his mistake—openly with reporters (including me) and on his website. Others have been less willing to talk about their role in promoting the cause of a murderer and rapist. "That story was so many years ago, I really don't remember it and don't have anything to say," said former *Time* writer Jill Smolowe when I contacted her at *People*, where she now works. (*Time* ran a small item on Coleman's guilt in its January 23 issue.)

It might be said that Coleman's boosters committed a simple cop mistake: They made an early assumption and stuck with it. That's the chance they take when they personalize these cases. Theirs is a strategy of high risk and high reward. So far, they haven't seen the reward they've sought, but it may be only a matter of time: Their strategy needs to work just once for it to begin having the desired effect on public opinion, which has softened in recent years. (In a 1994 Gallup survey, 80 percent said they supported capital punishment; last year, that figure was 64 percent.) Incontrovertible DNA evidence proving that an innocent person was executed for a crime he did not commit might quickly turn their fool's gold into the real stuff.

The Coleman DNA tests were not the first post-execution tests ever to take place. Six years ago, in a case brought by CBS News and three newspapers, a Georgia judge ordered new exams involving Ellis Wayne Felker, who was executed in 1996 following a rape-and-murder conviction; these were inconclusive. Last year, in a transparent attempt to embarrass President Bush, Barry Scheck of the Cardozo School of Law's Innocence Project (and a former lawyer for O. J. Simpson) asked Texas to permit DNA analysis concerning a man who was executed while Bush was the state's governor.

There is sure to be much more second-guessing in the future: The Coleman revelations were made possible because Mark Warner, the Democratic governor of Virginia, decided just before he left office to allow post-execution testing. He became the first governor in the nation to do so, and other politicians now may feel pressure to follow his lead. Last year, Republican senator Rick Santorum of Pennsylvania expressed his own misgivings: "I feel very troubled about cases where someone may have been convicted wrongly," he told the *Pittsburgh Post-Gazette*. "DNA evidence definitely should be used when possible."

The possibility of death-row innocence came to prominence in 2000, when then-governor George Ryan of Illinois placed a moratorium on executions, on the grounds that, in the previous 20 years, the state had exonerated more inmates than it had executed. (The moratorium remains in effect today.) President Bush believed that the problem of imprisoned innocents was important enough to mention in his 2005 State of the Union address: "In America, we must make doubly sure no person is held to account for a crime he or she did not commit—so we are dramatically expanding the use of DNA evidence to prevent wrongful conviction."

Anti-death-penalty groups thrive on the notion that wrongful convictions are

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common. They compile long rosters of the exonerated; the Death Penalty Information Center, for instance, counts 122 people on its "innocence list." Yet these lists are notoriously unreliable—many of the people on them haven't been proven innocent, but simply sprung free on legal technicalities. Take Harold Wilson, who was placed on death row for killing three people with an ax in 1988. He is the latest person to join the DPIC's innocence list, having been acquitted of these charges last November. "The evidence of his guilt is overwhelming," says Ed McCann, who heads the homicide unit in the Philadelphia district attorney's office. "Anybody who studies the totality of this case can see that." Wilson was originally convicted in part because detectives found a blood-splattered coat in his mother's home. During his sentencing, Wilson even admitted to owning the coat. Years later, after winning a new trial on the basis of a claim that the first prosecutor had tried to keep blacks off the jury, Wilson changed his story. He accused the police of planting the coat, and the judge wouldn't allow his previous admission of owning the coat into the new trial. There were other complications as well. The result, at least in McCann's view, is that a murderer was given his freedom.

If the first episode of *In Justice* is any indication, the show probably won't feature such complexities. Instead, it will depict simple truths that a flawed criminal-justice system has failed to grasp, without portraying any of the messiness that surrounds real cases of supposed innocence. While it remains to be seen whether the public will have an appetite for such a thing, a successful show doesn't impose its preferences on the public as much as reflect them, or at least some segment of them. Betting that Americans will continue to sour on the death penalty may be an early assumption, but Hollywood may profit by sticking with it. **NR**

■ **CULTURE WATCH**

Faux Documentary

The tired saga of Left agitprop

VICTOR DAVIS HANSON

Let's be clear at the outset: Eugene Jarecki's *Why We Fight* is a reprehensible film in its intellectual dishonesty. But it is so poorly cobbled together that it never rises above the propaganda level of *Fahrenheit 9/11*. It purports to be a

Mr. Hanson is a senior fellow at the Hoover Institution, and the author most recently of *A War Like No Other*.

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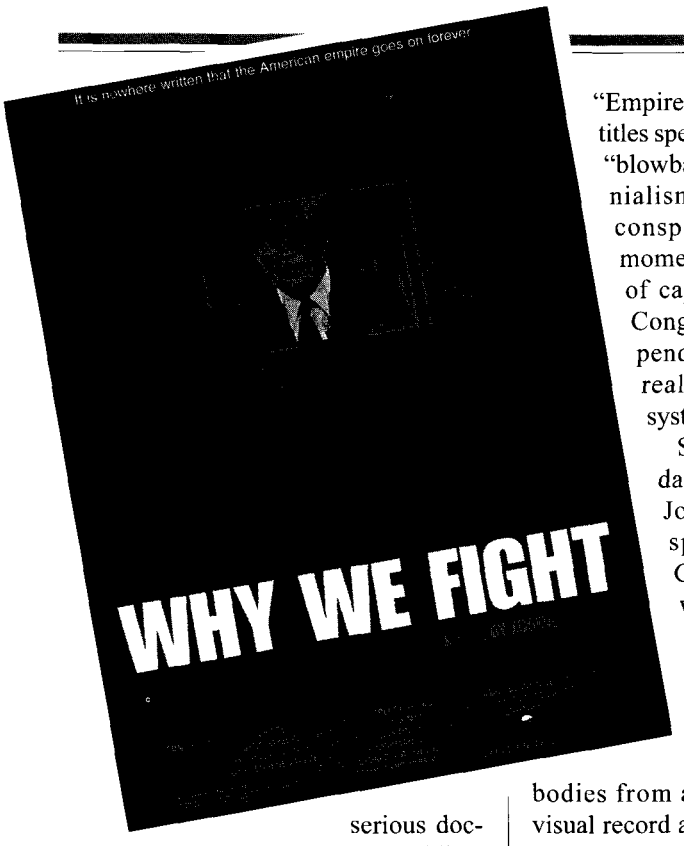

serious documentary not about soldiers in the first Gulf War, Afghanistan, or even Iraq, but about all sorts of conspiracies of how they got there. Unfortunately, after four years of "No blood for oil," "Bush lied, thousands died," Halliburton, neocon wars for Israel, and intimations of September 11 foreknowledge, it is hard for an anti-war propagandist to shock movie audiences in any way that can be considered novel.

To the extent that this predictable film has a coherent script it seems to be the following. We remember that Frank Capra's *Why We Fight* documentaries of the 1940s reminded the wartime public that our GIs were dying for freedom and democracy in World War II. But we now learn that that was not the whole story: See, more often our military was blasting away at elected governments in out-of-the-way places to make profits. Or, in the words of talking-head Washington insider Charles Lewis, American wars have usually been about capitalism and extinguishing democracy—making corporate profits abroad to feed the military-industrial complex at home. How does the film advance this novel insight? In three ways.

First, critics such as Lewis, Gore Vidal, retired Col. Karen Kwiatkowski, Chalmers Johnston, and Joseph Cirincione confirm that neocons, CEOs, and arms merchants run our lives. Authors of books with "Empire" and "Imperial" in their titles spell out foolish concepts like "blowback" and "economic colonialism." Jarecki brings these conspiracists in at opportune moments to assert that legions of capitalists—not an elected Congress, president, or independent judiciary—hold the real power in our political system.

Second, there are the standard mini-clips of Lyndon Johnson's Gulf of Tonkin speech, the courageous Cassandra Robert Byrd who warns us about war from the floor of the Senate, the Shock and Awe campaign that lit up Baghdad in March 2003, and the obligatory charred bodies from an Iraqi mortuary. That visual record apparently proves that our gallant sages were not heard, and the result was the death of thousands of innocents.

Third, clean and crisp military pilots are made to look foolish as they talk in antiseptic terms about their high-altitude drops—as if complaints have not been voiced about the impersonal nature of war since Spartan kings railed against the advent of artillery. In a similar vein, domestic arms fabricators express pride in their missiles as they roll by on the assembly line—all clueless about the Iraqi deaths that are the real fruits of their hourly wages. In the world of *Why We Fight* there is no such thing as an enemy of the United States, and there's certainly no mention that some innocents may have actually been saved by American munitions and interference across the globe.

Critics grant Eugene Jarecki more credibility than they do Michael Moore, presumably for showing "the other side" of the controversy. The film follows a working-class military recruit and a retired New York cop who lost a son on September 11 in their respective odysseys searching for the truth. As they work through their tragedies, each finally comes to "see" the real story about America—the one advanced by Gore Vidal and Chalmers Johnson throughout the film. But this tact only makes this film more underhanded—because the "other side" is nothing more than Jarecki's own sanitized vision.

Republican president Dwight Eisenhower is apotheosized as the wise man who warned us about the military-industrial complex and the horrors of the Bomb. In thoughtful tones, Ike's son and granddaughter assure us of his eleventh-hour angst. But no mention is made of his secretary of state's Cold War globetrotting and saber-rattling, or Ike's thinly veiled threats to use the Bomb to thwart Communists in Korea. John McCain likewise lectures on the undeniable danger of the revolving-door arms-hawking that goes on in Washington, D.C. But no one would ever learn from this film that Senator McCain wholeheartedly supported the war in Iraq, and does to this day. Bill Kristol and Richard Perle make smiling appearances to praise preemption and the new American century. But neither is quoted warning about the peril we face from anti-liberal Islamic fascists who have murdered reformers worldwide—even though both speak regularly on this issue.

Ironies abound, as well. Jarecki raises the specter of pernicious "think tanks," whose unaccountable schemers apparently got us into Iraq. But nearly every person who so far has guided us through the movie—Joseph Cirincione, Susan Eisenhower, Chalmers Johnson, and Charles Lewis—inhabits such an institution of subsidized thought, often smack-dab in the heart of Washington. So it turns out that Jarecki is not really warning of think tanks, as he implies (not even the old standbys like AEI, Brookings, Heritage, Hoover, or Hudson). Rather, only one is mentioned by name—the bogeyman called the Project for the New American Century, which is chaired by Kristol. With Kwiatkowski's and Vidal's previous screeds about Israeli influence on U.S. foreign policy, and frequent references to a "Special Plans" division in the Pentagon, the viewer is led to believe it's all a veiled sinister plot that brought us to Iraq. As with so much in this documentary, the goal is guilt by insinuation and association.

Should we laugh or cry when a now-discredited Dan Rather gives an on-air sermon about truth and ethics? The populist subtext of the film is that the

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unthinking hoi polloi are used as cannon fodder by profit-drunk corporate insiders and corrupt politicians, symbolized by the multimillionaire Dick Cheney of Halliburton infamy. But the film's own footage and interviews provide an even worse example of aristocratic supercilliousness: Erudite and arrogant men in fashionable turtlenecks and Nehru collars give pompous lectures about how we ignorant yokels are fooled by salesmen and flag wavers—as glib images flash by of the American mob enjoying video games, carnival gun shooting, and red, white, and blue parades.

As in Hollywood's similarly lame *Syriana*, the conspiracy-theory stuff here is badly dated. No one seems to have told Jarecki that the Chinese have piled up billions in American cash while jetting the globe to sell their weapons to any dictator they can find, while a debt-ridden United States pays almost $70 a barrel for oil to Middle East autocracies whose production cost per barrel is around $5.

History is warped—or, when inconvenient, omitted entirely. There is not a word about three successful elections in Iraq, or American efforts to depose dictators and establish democracies in Grenada, Panama, and the Balkans, much less the American effort to promote reform in Egypt, Lebanon, and Palestine. The removal of the Taliban and the new democracy in Afghanistan are never mentioned. American soldiers are shown taping and handcuffing Iraqi civilians, never building schools or power plants (the Iraq War, Karen Kwiatkowski assures us, "had nothing to do with the liberation of the Iraqi people"). We, of course, "armed" Saddam (whose crimes are never mentioned); yet we are never told that less than 5 percent of his arsenal was American-made, or that the billions given to Stalin to fight Hitler is the story of realpolitik par excellence.

The Bomb was not dropped on Hiroshima, as Gore Vidal assures us, "to show off" or "to show Stalin" something about our ability to wage "preemptive World War," but because just a few weeks earlier we had incurred 50,000 American deaths and injuries on Okinawa, a number that could have been dwarfed by an assault on the Japanese mainland. And Chalmers Johnson needs a history lesson about Rome: Its greatest bloodletting was a product of civil war during the late republic, not during the early empire (in which the Augustan army shrank in size and imperial writers railed about the newfound pernicious effects of a "luxurious peace").

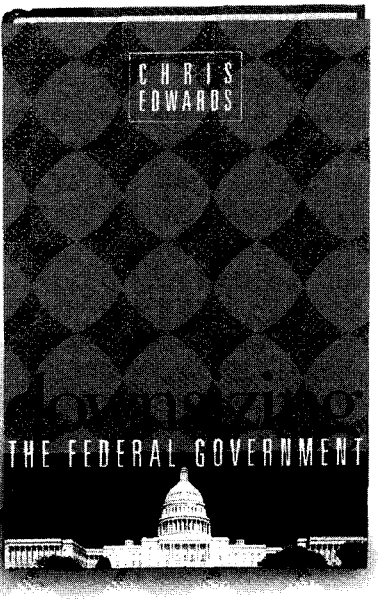
Nor was the Iraqi war an unauthorized executive decision: Unlike Bill Clinton's 1999 bombing of Milosevic, the Iraq War was approved by the Senate, which offered 23 reasons to remove Saddam Hussein, almost all of them ignored in the film. The Cold War is always evoked, but never in the context of trying to contain a political system that led to 100 million killed under Stalin and Mao. Instead, it is Cliffs-noted as mostly a colossal waste of American resources, all squandered in pursuit of profits.

Erudite and arrogant men in fashionable turtlenecks and Nehru collars give pompous lectures about how we ignorant yokels are fooled by salesmen and flag wavers.

Documentary makers like Jarecki fail to realize that the ascendance of Fox News and conservative talk-radio is directly correlated to the arrogance of the big networks, whose anchors seem to believe that their slant will be taken as gospel. The elitism and bias of public television and radio is of the same kind that prompted the prairie revolt that the bloggers have mounted against the smugness of the mainstream newspaper guild. *Why We Fight* shows precisely why the documentary industry now risks falling into the same pit of irrelevance. Such propaganda will either prompt a counter-response, replete with similar biased techniques, mustered by the Right, or it could bring about a new counter-genre altogether—as most Americans start to skip these tired left-wing melodramas. Splicing together gory pictures, liberal elites talking down to clueless Americans, and missiles rolling off an assembly line isn't even silly any more. It's just boring. **NR**

...Utopian, but only to those who are blind to the dystopia that looms.

— James M. Buchanan,
Nobel Laureate



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■ CULTURE WATCH II

Reality Bites

Making stuff up for fun and profit

ROB LONG

TRUE story: I'm in my local Peet's Coffee shop, early in the morning, buying a cup of coffee. The line is long. After about ten minutes, I get to the front, and I'm about to give my order when a nice-looking girl swoops in front of me, smiles quickly, says, "Sorry, I was waiting over there by the mugs and stuff," orders her latte, and moves off. It was early and she was pretty, so I let it go, but I was pretty steamed. Moments later, as we were getting into our cars—we had coincidentally parked side-by-side—she shrugged and said, "I'm sorry for cutting the line! But I'm late for an audition—some crappy sitcom. Thanks for understanding!" And with that, she zoomed off in her bottle green VW Bug.

About 30 minutes later, she was in my office, auditioning for my new show.

The trouble is, I'm not sure where the story goes from here, because I actually just made it up. I know I started this by writing "True Story," but the truth is—and this is the *real* truth here, not the "True Story" truth—people tend to enjoy a story more when they think it's true. They don't judge it as harshly as they might when you say, "Hey, I'm working on the beginning of a romantic-comedy script: What do you think of this set-up?" Say that, and then suddenly everybody becomes a studio executive: Don't like the coffee shop; don't believe the parking situation; hard to buy into the relationship. Pass.

Which is why, for almost ten years, I've begun every network pitch and studio meeting by saying something along the lines of, "You know, this really happened to a friend of mine . . . seriously, true story . . ." And then I proceed to tell them what is essentially a lie. Something I made up. Something I'm not sure is really good or interesting or saleable or makes any sense, but I've protected myself against any negative reaction to the material, to the product of my imagination. Don't like the story? That's okay. It's just something that happened to a friend of mine. Think it's contrived, or silly, or uninteresting? Maybe. But it's, you know, true, so . . . it's not like I'm a bad writer or anything. It's just . . . a boring story that happened to a friend of mine. Forget it.

So I have a lot of sympathy for author James Frey, whose terrible book, *A Million Little Pieces,* is under fire. It turns out that though billed as a "memoir," the book is true only under *my* definition of the word "true"—i.e., not very true at all. His claim to have been in prison for three months turns out to be a highly embroidered version of a few hours in a small Ohio police station. His claims to bad-boy escapades and petty crimes all sort of fizzle away under a few follow-up questions. The book was an "Oprah's Book Club" pick, which means instant sales. *A Million Little Pieces* has been on the bestseller lists for weeks, earning its author what we can only assume is a million little dollars—so the revelation that it's mostly not true, that the story of a messed-up, self-destructive tough guy wrestling with heroin addiction was really just part of a long "True story" pitch, has forced everyone associated with the book—its author, its publisher, and, most important, Oprah herself—to grapple with a difficult question: If a guy writes a bad book—and trust me, *A Million Little Pieces* is *really* bad, a Lifetime Original Movie–level sack of blah—but the bad book is true *and* uplifting, does that make it a *good* book? Put it this way: If it somehow turned out that the *Diary of Anne Frank* was written by a sentimental old guilt-ridden gay Dutchman, would we reread it and think, "Um, some of this is a little, I don't know, boring?"

DARREN GYGI

James Frey

It gets weirder. For years, one author by the name of JT LeRoy hid his (or her—that has become a point of contention) true identity behind a floppy blond wig and dark sunglasses; he was recently revealed to be a woman named Savannah Knoop, who was *posing* as JT LeRoy. Meanwhile, the *real* JT LeRoy is almost certainly *two* people named Laura Albert and Geoffrey Knoop—Savannah, it turns out, is Geoffrey's half-sister. So that's three people, all tied up in the identity of the person who supposedly wrote a book called *The Heart is Deceitful Above All Things*, and which is, unsurprisingly, a true *and* uplifting memoir about a really rotten childhood in Appalachia. It's chock-full of sexual and physical abuse, too—you know, Oprah territory. The book was a critical hit, and its mysteriously sunglass-shaded and wigged author was a mini-celebrity who was spotted around L.A. at all sorts of hipster venues. Because, you know, he (she) really, like, lived this dark stuff, you know?

Except he (she) didn't. Wait—*they*

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didn't. And neither did Frey. And the critics and fans who fell for this third-rate, over-the-top lurid nonsense did so because, for some reason, people think that just because something is true or deeply felt, it cannot therefore also be stupid. When my little goddaughter draws a picture of a person and the arms and legs seem to project directly out of the head, we all say, "What a wonderful picture!" We do not say that her artwork displays a raw primitivism or that she has really, like, lived this dark stuff, you know?

The official Oprah position on Frey's book is that, true or not, it's one powerful read. And yet, when he first submitted it to publishers, as a novel, they weren't too thrilled with it. Transformed into a memoir, though, the awkward writing and unbelievable plot are just little bumps along the way—oddly, they make the story seem more real, because if he made that stuff up he'd be a really terrible writer.

Which, of course, is out of the question. People who write memoirs about childhood sex abuse or drug addiction are, de facto, powerful writers. People who preface their network and studio pitches with, "Hey, this really happened to friend of mine," are what is known in the trade as "drawing on their own life experiences" and "really digging down deep" and "working on a passion project." What they're really doing is trying to pay their American Express bill by making up funny stories.

And it's not just writers. A few months ago, I skulked through L.A.'s Museum of Contemporary Art, taking in the monster exhibition of Jean-Michel Basquiat's work. The paintings are huge and unruly messes—pastiches of stick figures, graffiti, angry paint slashes, you name it. *Raw* and *primitive*, you know the rest of the drill: He'd lived the streets, see, and he brought that to his painting. Except after a canvas or two, you really felt like you'd seen it, and with seven galleries left to go it was hard not to backtrack straight to the café. The person I went with, though, was mesmerized. "Isn't it a shame," she said, eyes transfixed by the tenth or twelfth wall-sized canvas, "that he died so young?"

"Yes," I said. "Before he even learned to paint."

True story. NR

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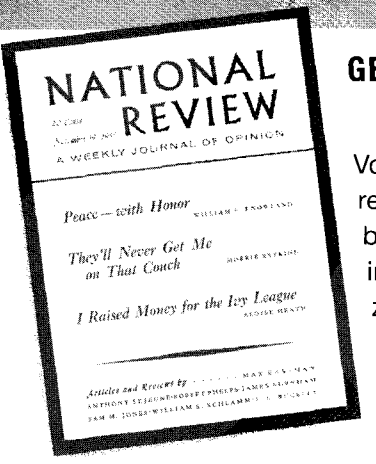
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■ COVER STORY

Say It Ain't So

How the GOP majority lost its way

RICHARD LOWRY

In recent months, Republicans in Congress have finally seemed to complete a circuit that began with their complaints about Democratic abuses of power fifteen years ago. Then, House Speaker Jim Wright was one of the GOP's favorite symbols of Democratic imperiousness and loose ethics. One of the controversies that helped sink Wright was the help he gave a business partner and supporter—in the form of $30 million worth of earmarks for a dubious development project.

Who would have predicted that ten years after taking Congress and promising to clean it up, Republicans would be rocked by their own set of scandals, including the abuse of earmarks for contributors? Actually, it was predictable, given the typical course of revolutions—a burst of energy, followed by a period of consolidation—and the inevitable temptations of power. "I always thought that we would lose the majority in 2002," says an architect of the 1994 takeover. "I thought we would have an eight-year run. The fact is it's not good for either party to control the place for too long. You do get an institutional mindset."

The House GOP is still hanging on. But it's a diminished majority, with one of its key leaders tarnished, with its political base restive, with its purpose in doubt. Republicans came to power on the strength of a revolution and have lost their way in an evolution: They came to Washington with an agenda. They built a machine to support that agenda. And as the agenda faded, the machine itself and its not-always-high-minded imperatives took on more prominence. A conservative who works closely with Congress interprets the Jack Abramoff scandal this way: "It's when the Republican majority lost their moral high ground. The government became their government. The process became their process. The outsiders became the insiders."

TALK ABOUT AN EVOLUTION

There was something otherworldly about the circumstances in which Republicans took power in 1995. They seemed to have a mandate from heaven, and that gave Speaker Newt Gingrich and House Majority Leader Dick Armey the power to drive the institution in unusual ways. They centralized their control and kept the appropriations committee's "cardinals"—the chairmen of its subcommittees—from pursuing their perpetual calling of unchecked spending.

"We kind of sat on them," Armey says. "Newt Gingrich and I had an advantage. They all knew that no one could call himself a chairman without us. That gave us a leverage that Denny [Hastert] and Tom [DeLay] never had." They also had a boldness that came from inexperience. "In the beginning," says a former leadership staffer, "we were like kids who didn't know what we couldn't do."

It was inevitable that the normal character of the institution would slowly bounce back. Or even rapidly bounce back. The government-shutdown fight in 1995–96 with President Bill Clinton was an epochal defeat for the cause of limited government. House Republicans never quite recovered, even though they continued to tussle with Clinton over spending for a few years afterward, reaching a balanced-budget pact in 1997.

Armey dates the slackening of fiscal discipline to the summer of 1997. "By July of 1997," he says, "the chairman of the appropriations committee said he wouldn't work with me." The balanced budget, achieved in 1998, denied House conservatives their most telling argument against spending—that it would increase the deficit. Brian Riedl of the Heritage Foundation notes that in 1998 there were 2,100 earmarks, funds specifically desig-

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nated by congressmen to go directly to projects instead of being distributed by a federal or state agency. After that, earmarks increased by roughly 33 percent every year.

The shutdown debacle contributed to George W. Bush's formulation of a post-limited-government conservatism. After Bush was elected, he and the GOP Congress forged a mutual embrace of fiscal laxity. The GOP majority wasn't going to sink Bush's agenda, because that would hurt a Republican president and the party's fortunes. Bush wasn't going to veto congressional excess, because that would hurt the GOP majority and the party's fortunes.

Having lost a foil with Clinton, the House GOP lost a certain edge. "What they started to do was to depend on the executive branch for their leadership and their ideas, instead of being a reform party shaping the agenda," says one Republican strategist. "Congress just took what the president sent it and we tried to hold our majority to slam it through."

In the eyes of most conservatives, Bush would be redeemed by his control of the executive and his exercise of its powers to appoint judges and fight the War on Terror. Without getting an overarching domestic vision from somewhere, the House is basically reduced to passing appropriations bills. That's a joy to the interests who fatten on spending, but for conservatives it's a dispiriting process.

A constant throughout these years was the rise and rise of Tom DeLay. The committed conservative from Texas was a pol's pol. He had spent six years in the Texas legislature, prior to coming to Congress in 1984 and landing a spot on the appropriations committee. He became part of the revolutionary leadership of 1995 when he beat Gingrich ally Rep. Bob Walker (Pa.) for whip.

The top members of the leadership all disliked and resented one another, but they had a certain dysfunctional synergy: Newt Gingrich, the brilliant if often wayward visionary; Dick Armey, the libertarian enforcer of conservative policy orthodoxy; Tom DeLay, the nuts-and-bolts politician. Ideally, the vision would come from Gingrich, get pruned of its excesses by Armey, and be implemented by DeLay.

"DeLay was extremely effective in the context of being whip to Armey's leader and Newt's speaker," says a former Hill aide. But Gingrich flamed out by 1998. Armey was wounded by his role in the anti-Gingrich coup in 1997, and never quite recovered, leaving Congress in 2002. DeLay's power only grew: The political and legislative mechanic built a machine. Part of it was on K Street.

The "K Street Project" has now become notorious, but if it hadn't existed, the reasonable question to put to the GOP majority would have been, "Why not?" It was instituted to energize Republican legislative campaigns, and to readjust the longtime Democratic orientation of K Street.

THE WAY THE WORLD WORKS

After the 1994 revolution, Rep. John Boehner (Ohio) and the late Sen. Paul Coverdell (Ga.) worked with K Street and other outside groups to generate grass-roots support for legislation. The idea, says someone who was present at the creation, was to muster "third-party validators with an army. You had to have an army to be at the table." So the Chamber of Commerce, the National Federation of Independent Business, Grover Norquist's Americans for Tax Reform, and the National Restaurant Association might all be gathered together to lobby on a certain bill, producing phone calls and letters to pressure Congress.

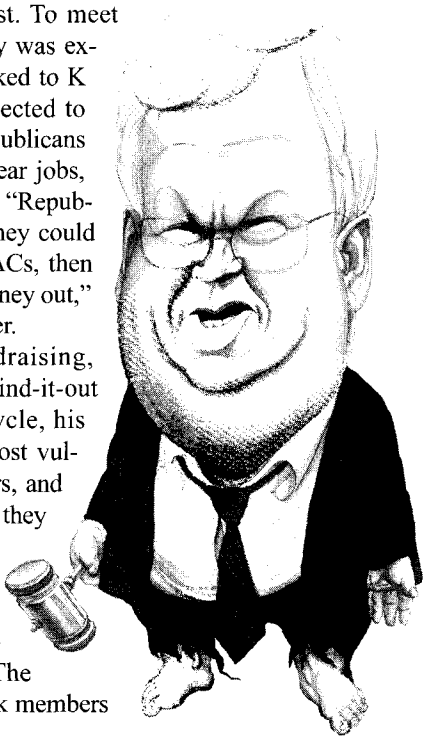
K Street had previously been grounded upon the assumption of perpetual Democratic congressional power. "In 1989, there were two GOP lobbyists that I knew," says a former GOP House staffer. "Believe me—there were no Republican lobbyists getting appointments with Dan Rostenkowski," the longtime head of the Ways and Means Committee.

"The K Street Project was a response to what [Democratic campaign committee head] Tony Coelho did in the 1980s," former Republican congressman Vin Weber says. "Through no small amount of intimidation on the policy front, I might add." In 1993–94, House Democrats received $23.6 million from business PACs, while Republicans received $19.9 million. This was an extraordinary showing, given that Republicans are the natural party of business.

It would have been negligent for the GOP not to try to co-opt K Street. "[The GOP effort] changed the culture and the equation of who's running Washington," says one Republican strategist. Whether a Democrat or Republican controls a trade association has an impact on where its contributions go, how its grass-roots operation is deployed, and what is its general philosophical orientation.

Much of the machinery DeLay and others put in place was for the purpose of passing legislation with a slender majority (just 221 members, at one point) and of holding that majority. Would it have been better to suffer defeats on the floor and lose the House? "We've had a united business community since 1995, for the first time in a long time," says a GOP strategist. "Without that I don't think you could have passed a lot of the agenda." It boosted the tax cuts, deficit-reduction bills, and deregulation measures of the 1990s.

And the majority itself might not have survived without it: "In order to hold a small majority, you need resources," says a strategist. To meet the money demands, DeLay was extremely aggressive and looked to K Street. Lobbyists were expected to cough up, and the more Republicans there were in $300,000-a-year jobs, the more cash was available. "Republicans went downtown so they could put money in leadership PACs, then the leadership doled that money out," says a Republican Hill staffer.



Together with the fundraising, DeLay was a master at grind-it-out politics. Every election cycle, his office made a list of the most vulnerable Republican members, and hounded them to make sure they were doing what it took to get re-elected—raising money, going back home often, getting legislation important to their district. "The way you win is that you pick members

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who are vulnerable and you stay on them week after week," says a former leadership staffer.

It hadn't taken long for Republicans to adopt the Tip O'Neill maxim that all politics is local. In a 1996 memo, Speaker Gingrich suggested to appropriations "cardinals" that their criteria for evaluating bills include, "Are there any Republican members who could be severely hurt by the bill or need a specific district item in the bill?" The leadership embraced this ethic with a vengeance.

For a long time, the most salient characteristic of the DeLay approach was simply that it worked. "He's the greatest whip in the history of Congress, by definition. He lost one vote in ten years," says a Republican strategist. As a leader, DeLay was not "The Hammer," or the rigid right-winger, of caricature. He understood his fellow members in a "multidimensional way," in the words of one Hill observer. "His real brilliance was holding the Northeast moderates with the conservatives from the South and the West," says the strategist. A former leadership aide explains, "The moderates felt that Tom and Denny were fair."

DeLay had a delicate touch, sensing just when to push moderates and just when to relent. But he never lost sight of his ultimate goal—winning. "It's a product of skill and an incredible determination," says an admirer of DeLay's handiwork. Noting DeLay's business background as an exterminator, he adds, "I bet no cockroach ever escaped one of his buildings."

LEGENDS AND THE FALL

But he contained the seeds of his own destruction. DeLay was brought low by his own dominance, his aggressiveness, some of his staff, and the logic of his own machine, which ran on money and influence and the easy exchange of the two. His machine became too much of a shrewd thing. "If this hadn't happened, he was on track to have a building named after him," says one former Hill aide—who also calls DeLay "a Shoeless Joe Jackson figure," after the baseball great banned from the game for his association with the 1919 Black Sox.

DeLay built the leadership to his specifications, which meant that there weren't strong figures to balance him. He made Denny Hastert speaker in 1998. While Hastert is not the tool of DeLay as portrayed in the press, neither was he threatening to him. When DeLay moved up from whip to majority leader in 2002, he promoted to whip his chief deputy, Roy Blunt (Mo.), a tactician in his mold. "There's a clone of him coming up behind," is how one conservative insider puts it.

So DeLay was literally in a peerless position to stamp the House GOP with his style. "DeLay had a very natural instinct for power, for gathering it and holding it. Over time that became a goal in and of itself instead of policy, and that's harmful," says a former leadership staffer. A GOP lobbyist explains, "DeLay was wired differently. Maybe it was something to do with being whip. His job was to hand out favors and get guys to do things they didn't want to do."

His aggressiveness could be something to behold. It was DeLay almost alone who muscled Texas Republicans into control of the state legislature in 2003, making possible the redistricting that gave House Republicans a crucial six additional seats in the 2004 election. "He didn't have to take the risk and go down to Texas, but if he didn't do it, no one else was going to," says a GOP strategist. "He took a real pounding and he never flinched and he never cared." As Christine DeLay once said when someone told her her husband is courageous, "To be brave you must know fear. Tommy knows no fear." Year after year, that admirably fearless attitude invites attacks that weaken a politician's immune system, making him vulnerable to opportunistic infections like Democratic prosecutor Ronnie Earle's blatantly political indictment.

More damagingly, DeLay's aggressiveness filtered down to some of his employees in an unhealthy way. No one who knows him thinks Tom DeLay is venal. But that can't be said for now-notorious members of his team. One of them is going to jail (Michael Scanlon), and two others could yet be implicated in criminal activity (Tony Rudy and Ed Buckham). At the very least, DeLay allowed an ethic of greed to flourish around him. "DeLay was a huge asset and helpful to the party and to the majority," says a GOP insider. "But he surrounded himself with people who didn't play by the rules. You're supposed to know the system and not do anything that embarrasses your boss."

DeLay was brought low by his own dominance, his aggressiveness, some of his staff, and the logic of his own machine.

The K Street Project became more brazen. As one former House leadership aide puts it, "A subtle approach is much better than when you make a very public list," which Republicans did. The House leadership continued to reach out to social conservatives, but one staffer with a conservative think tank argues that while the K Street Project began with "a synergistic sense that you needed more than one type of ally, [it later] became K Street exclusively. That instinct may have become lethal, as K Street grew and became more endemic. Every piece of legislation got massaged by K Street."

THE K STREET COMPLEX

Since 2000, the number of lobbyists has doubled, to roughly 35,000. Their ranks are swollen with Republicans departed from the Hill. This makes it harder for GOP lawmakers to live by one of the axioms of Capitol Hill, recounted by a former leadership staffer: "If you can't take their money at breakfast and screw them in the afternoon, you don't belong in this business."

Lobbyists were invited into the whipping operation, charged by the leadership with pressuring individual members. "The institutionalization of the lobbyists into the whip operation was a mistake," says one insider. "It's too cozy, and I'm a lobbyist." A kind of tipping point was reached. "We lost a lot of talent and it went to K Street. Quite frankly, there's more talent on K Street than in the policy shops on the Hill," says a GOP strategist

There is nothing inherently wrong with lobbying, of course. It's

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important that business have a voice with the federal government that does so much to affect the environment in which it operates. But many corporations aren't standing athwart Washington yelling "Stop," so much as saying, "Let's get some for ourselves." As Jeffrey Birnbaum has written in the *Washington Post*, lobbyists are now hired "to go on the offensive and find ways to profit from the many tax breaks, loosened regulations, and other government goodies that increasingly are available." Like earmarks.

According to Scott Lilly of the Center for American Progress, the highway bills that passed from 1970 to 1986 contained between 2 and 14 earmarks each. By 1991, the number had ballooned to 538, prompting one Republican to accuse Democrats of holding "a seminar on pork." Republicans took over and by 1998 were passing a transportation bill with 1,850 earmarks, or, as Lilly writes, "about two and a half times the number of earmarks that had been contained in all highway bills since 1956 combined." The highway bill that passed last year had 6,371 earmarks.

The earmarks are bait for the lobbyists. According to Knight-Ridder, the number of law firms registered to lobby the appropriators who control earmarks grew from 1,865 to 3,523 in just the four years from 2000 to 2004. Earmarks give lobbyists something readily identifiable and relatively easy to obtain to sell to their clients. Given that earmarks are often added to bills in secret, they also create openings for chicanery. As one GOP lobbyist says whimsically, alluding to a famous line from *Animal House* in which a student tries to make a case for his outlaw fraternity, "Some have suggested we have taken liberties with our female guests—and we have."

Rep. Randy "Duke" Cunningham (R., Calif.) used earmarks to funnel contracts to defense firms who were bribing him. Rep. Joe Knollenberg (R., Mich.) inserted an earmark into a bill to force Amtrak to haul freight for a business owned by one of his donors. Rep. Gary Miller (R., Calif.) secured a $1.28 million earmark in the highway bill to improve streets in front of a development he co-owns. Who knows what abuses still lurk unreported. Abramoff called the appropriations committee "a favor factory."

Technically, an earmark is a decision on how exactly to spend money, not on how much will be spent. But earmarks create upward spending pressure because they give congressmen an extra incentive to support spending bills. Appropriators love to get freshman congressmen hooked on earmarks from the beginning, and Hastert, DeLay, and Blunt set the tone at the top, defending earmarks and taking them for themselves. It is easy for everyone else to get in the swing of things. "The attitude is," explains a GOP staffer, "if we can't control spending, at least we can get our own things done."

The earmarks became an instrument of governance, a way to ring up enough favors to get a bill through. That process was often arduous and sometimes ugly. Votes on the floor were held open for hours as arms were twisted. Major provisions were added to bills in conference committees—which reconcile House and Senate bills—even though they were extraneous to the underlying bills. Debate over them was short-circuited. "Legislation is written at the last minute, behind closed doors, and sprung on members," says a House staffer.

The constant toiling to pass bills with narrow majorities, and little or no help from intensely partisan Democrats, took its toll. "The slim majority was constantly thrown out at us," says a former member. "'This is a slim majority, it's what we've got to do.'" And usually it was. "At any given point it's justifiable and understandable, but it means a slow slide," says Vin Weber.

At the end of the slide was the Medicare prescription-drug bill, passed in 2003. It deserves almost all the obloquy hurled at it by critics—for the gross tactics necessary to push it through on the floor, for the quick departure of some of its key architects for lucrative K Street jobs, for its senselessness as policy. Congress didn't come up with the legislation on its own, as President Bush had proposed a version of it (albeit a slimmer one); but it was a symbol of the final triumph of politics—and not even particularly good politics—over conservative principle in the House.

> Many corporations aren't standing athwart Washington yelling 'Stop,' so much as saying, 'Let's get some for ourselves.'

THE EDGE OF SADNESS

It is often remarked that there is no committed constituency for limited government. Certainly, government programs like farm subsidies have more intense and organized supporters than detractors. But there is at least a diffuse constituency for limited government—they are called conservatives. If they realize that wholesale cuts in government won't be forthcoming, that doesn't mean they have to sit still for discretionary spending growing at 10 percent a year, for thousands of special-interest earmarks, and for a new entitlement being hoisted on top of an already out-of-control entitlement state. If all this is combined with gross insider self-dealing, conservatives have cause to recoil in disgust, and they have done so.

The House majority has tried to respond (but has always been limited, it should be noted, by the even less austere Senate). With great difficulty, it squeezed $40 billion over five years out of a budget-reconciliation bill. It managed to keep the growth of discretionary spending at about 2 percent last year. In response to the Abramoff scandal, it is considering lobbying reforms and—more important—reforms of the appropriations and budget process.

But among conservatives in Washington there is a sense that the House GOP needs a broad renewal, and no one seems to know how it will happen. Elections to replace DeLay seem likely to promote whip Roy Blunt up one slot, so the leadership will be, as Stephen Moore has put it in the *Wall Street Journal*, the DeLay team without DeLay. Whatever is the next new thing in national conservative politics probably won't emanate from the House. For veterans of the 1994 revolution one word comes up again and again as they survey this scene: "sad." **NR**

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■ EUROPE

Troubled Continent

A crisis of demography—and of the spirit

MICHAEL NOVAK

THE images we recently saw on the TV news suggest that Europe has, once again, lost its way. It looks as though Europe is set to repeat in the 21st century the disasters of the 20th.

Europe—especially France and Germany—seems to have a love affair with collectivism. Europeans refuse to learn the lessons of collectivisms past; they certainly fear liberty, especially in economics. Worse still, European elites have done their withering best to empty Europe of its Christian spirit. They have swept Europe clean just in time for the rapid rise of a rival faith prolific with children, vitality, passion, and confidence in long-term victory. What Muslims of the 16th century could not accomplish at Malta (1565) or Lepanto (1571), nor Muslims of the 17th century at Vienna (1683), they are beginning to accomplish in contemporary Europe. Europe is becoming Eurabia.

One could see this in "France ablaze" during the nights of October 27–November 12, 2005. On some of those nights, across some 300 French cities, more than 1,000 automobiles were being set afire. The young men involved did not look impoverished, and they did not look "angry." Their clothing was modish and expensive, in the style of American "gangsta rappers." Their faces radiated exultation. These young men are in the pay of the state, through unemployment insurance—paid for not working. But honor they do not receive: In French employment markets, Hamid and Abdul see that they are not held equal to Pierre and André. They are housed, fed, and clothed, and left to graze upon the land. In the eyes of others they can see that they are regarded as less than cultivated human beings. Few see in them any vision, enterprise, or energy to contribute to the glory of France.

When the French government had earlier said, with reference to Iraq, that Islam is not compatible with democracy, it said to these youths that their lives too are incompatible with democracy, at least in France. The young men could see that the government of France held them in fear, and as young men they enjoyed that. They will remember this lesson.

In all these sad events, we see that Europe has forgotten what made it great in nobility of soul and spirited accomplishment, and for many centuries great also in courage and victory in battle.

Mr. Novak holds the George Frederick Jewett Chair in religion and public policy at the American Enterprise Institute in Washington, D.C., where he is director of social and political studies. This article is adapted from remarks he delivered in Venice, Italy, on November 18, 2005.

SOURCES OF GREATNESS

The distinguished sociologist Rodney Stark has just published a book, *The Victory of Reason*, about why Europe surged beyond all other civilizations in the past millennium. Europe's greatness, he writes, arose chiefly from a vision of human possibility descended from the Creator of all things: a vision of reason, freedom, and progress—and also a drama of free will, refusal, and sin. Even some atheists, in honest clarity, admit how Jewish/Christian faith lifted up Europe among the continents, and inspired a vision of universal amity and mutual assistance—especially to the most vulnerable among us—that haunts persons of compassion still. One does not have to believe in God to see the power of that faith in lifting the horizons of human accomplishment. If you wish to see its monuments in Europe, look around you.

In the 20th century, sadly, Europe decisively chose against this faith, in favor of the lesser vision of the Enlightenment—and bathed the dream of Universal Reason in universal bloodshed. Neither Communism nor Fascism, once the passionate enthusiasm of hundreds of millions, left much behind of which to be proud, or even beautiful to contemplate. Instead Europe still suffers from nightmares, from spasms of guilt and unworthiness. Europeans today wear signs on their backs that read: Kick me again! Whence come these self-loathings? When one feels guilt, and there is no longer any God, there is no one to confess to.

Europe now carries a very heavy burden. Its two great passions are peace and security—but you cannot have peace unless you are willing to prepare for war; and you cannot have security unless you are willing to take risks. Few signs indicate that Europe is willing to do these simple things. In the past, that has always proved costly for America.

This lack of vigor shows itself in demographics. Very soon there will be far too few European workers to pay for the benefits of a much larger cohort of retirees, who will live longer and more expensively than any other retired generation in history. In an era of barely one child per married couple (with many couples not even marrying), we now have an Italy in which virtually no child has a brother or a sister. For the state, such families will mean fiscal bankruptcy; for rival ethnic groups, religions, and civilizations abroad, such numbers will telegraph fateful weakness.

There are still pockets of will and vitality. But having turned away from Jewish and Christian faith, a Europe based solely upon the Enlightenment cannot long survive. The Europe that is declining in population is a Europe more rational than Europe has ever been, more scientific, less religious, less pious, more mundane, wealthier, more consumerist, more universally close to living *etsi Deus non daretur* (as if God does not exist). A very large part of the "European crisis" is the crisis of the Enlightenment. On that ground, a civilization cannot be built, a civilization can only burn down to the last waxed threads of its wick.

For the beginning of culture is cult. Apart from the worship of God, human beings cannot in practice (whatever may be said in theory) transcend themselves—not, at least, in the large numbers needed to sustain a civilization. Unless human beings have a vision of something larger than their own natures, and beyond the bounds of their own natures, they cannot be pulled out of themselves; they

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cannot be inspired; and they will not *aspire*, in the way that Gothic steeples aspire. To be sure, there are secular ways to interpret the word "transcendence": as some potential already within human beings to break their own records, to go beyond what has already been achieved in order to achieve new marks, and the like. But that is not the sort of transcendence on which civilizations are built. *Real* transcendence is from outside, a new form of life, a new human nature, an uplifting into participation in the divine. This transcendence is known to all religions, and is sensed by many artists. It is a new dimension of the human spirit, which does not spring from human potential, but is given from outside. It is experienced as an uplifting, a newness, a vision and a vitality not within one's own powers to achieve or to deserve. It comes as a gift.

Only the type of transcendence that points to the divine inspires a civilization or a culture, properly so called. Ancient Chinese culture, worldly in its practical Confucian wisdom, aspired to harmony with the stars and the will of Heaven. As yeast lifts dough, so the great religions of the world have informed and inspired cultures. A merely secular culture instead reduces human beings to creatures of chance, deprives them of any end for which they were purposely created, and renders universal moral principles into pragmatic bargains or subjective personal preferences. While it often promotes highly moral living, a secular culture can give few reasons for such living except personal preference, and in ethical practice it frequently borrows a sensibility and even concepts formed by an earlier religious heritage. The *social morals* of a secular culture these days tend also to depend upon moral credits stored up in the past. Even such supposedly secular values as compassion, liberty, fraternity, and equality sprang first from Jewish and Christian moral commitments, as even Richard Rorty notices—not from Greece or Rome or any purely philosophical source.

Toulouse, France, November 2005

It might seem, then, that secular cultures are solely parasitic upon earlier religious cultures. But they sometimes play a creative role in putting questions to religious concepts that result in the deepening, revision, or withdrawal of earlier versions. For instance, the struggle for religious toleration in Virginia (1776–1791) led to a deeper comprehension of the grounds, in large part religious, of liberty of conscience. (If a rational creature owes a self-evident duty of worship to his Creator, no state, civil society, or individual may alienate him from that duty; and the Jewish-Christian God, to whom that inalienable duty is owed, wishes to be worshiped in spirit and truth, by a free conscience.) Thus, in America, even natural right had a historical religious content. The thinking of Judaism and Christianity has benefited greatly from this and other challenges by secular thinkers, just as the latter have borrowed much from the former. The contestation between believer and unbeliever has been very fruitful for Western civilization as a whole.

When, in 1948, Europe wished to preserve itself from absorption into the Communist bloc, it turned to the Christian political parties. Later, it turned to the religious leadership of nonviolent labor unions such as Solidarity, and to church human-rights activists, in order to find a bloodless, democratic path. Apart from the extraordinary skills and the saintly charisma of John Paul the Great, it is not easy to explain how so much happened—so fast, and so peacefully—during the years 1978–1991. The Pope began his pontificate in the late autumn of 1978 by saying that the "twin branches" of Christian Europe would be reunited soon. Impossibly utopian, I remember thinking at the time.

One must conclude that Judaism and Christianity are still great powers slumbering in the soul of Europe. But secular Europe unaccountably does not want to draw upon them. We live in the age of the Grand Refusal: the age of Denial.

OLD FAITHS AND NEW THREATS

Islamic thought up until this time does not separate religion from politics, either analytically or in practice, exactly as Westerners do. Today, for example, we who are American, Italian, French, German, and so on do not think of ourselves as "Crusaders," although a fair number of Muslims call us by that name. They know as well as we do how secular France is, for example, and their best writers often write of that, a few in admiration, others in disgust. That fact does not prevent them from lumping the French into the "Crusaders."

In the view of some Muslims, the religion of Islam is not really distinguishable from the one, united, universal Islamic caliphate and its military vanguard. This singular Islam has been at war with "infidels," they think, since its founding. This unitary Islam—politics, military, and religion all grasped as one single entity—has been at war with "Crusaders" ever since the latter found the nerve and the gall to resist, after about four centuries of fairly supine retreat, and then the effrontery to take back the Christian heartland, from Constantinople to Jerusalem to Alexandria.

Then, quite shocked, beginning about 1150, the Muslims, in return, began gathering their forces for another protracted assault to subdue Christian Europe once and for all. City by city, they took back the whole once-Christian Middle East. Probing westward, they failed at Malta in 1565, in one of history's greatest sieges, and failed again at Lepanto in 1571 (Miguel Cervantes, a warrior in that naval battle, called it the greatest occasion of all history). Their overland advance through Hungary then made great strides until,

BORDAS/SIPA

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just outside Vienna, they were prevented from cutting Northern Europe from Southern by the cavalry of Jan Sobieski, bearing at its forefront the painting of Our Lady of Czestochowa. The year was 1683, the date was September 11–September 12, a date of high symbolic value to Muslims, a date in September Americans too will long remember.

Europeans and Americans today do not think often of those battles of the Crusades, which seem so long ago and so irrelevant. Yet today the Muslim population of Europe is growing very rapidly, not only by immigration, but also by multiple births per family. Demographically, Muslim morale is very high. They are as it were investing with their bodies in the future, in a way Europeans are not. Already in various European states, there are important political districts in which Islamic constituencies predominate. In some cities, the number of new mosques is rising steadily, while the number of Christian churches actually in use continues to fall (partly from widespread lapses in religious practice). Some of the most ardent terrorists and political extremists among young Muslim radicals today are being raised in European cities, of second- or third-generation immigrants. Some Muslims in the past integrated themselves into European societies, mores, and political values. Many today, it appears, are making no effort to do so.

LOSING THE FUTURE?

The resurgence of religious conviction in the Muslim world (often not at all fused with political radicalism, but imbued rather with a longing to live under a regime of rights and individual dignity) does bring into sharp relief the most acute weakness of European culture today: the desert it has made of religious conviction, once its richest source of vision, courage, and practical good sense. And this depletion of spiritual resources is not unconnected to the recent European habit of demonizing capitalism. European elites reserve a special hostility for Anglo-Saxon economic thought, especially the liberating ideas emanating from Austria by way of Friedrich von Hayek and Ludwig von Mises, with their emphasis on incentives, enterprise, risk, flexibility, and liberty. These ideas cut very sharply against Communist, statist, and social-democratic emphases on stasis, security, and privileges won, and against their intemperate denunciations of business, enterprise, corporations, and wealth-creation. Without going so far as to hold that losing money is chaste, the European Left even holds that making money, creating wealth, and reaping profits are all obscene. The economies of the Left rarely do make money, create wealth, or show profits. Their economic chastity is their own punishment.

The long-term dangers of radical, alienated European Muslims feeding the leadership of worldwide terrorism are already being felt.

On the contrary, they are resisting what some call the "moral decadence" of Western values, and some also resist the highest political principles of Western peoples.

Until recently, one of the expectations of Western democracies was that all immigrants would shortly embrace the core values, at least the political values, of their host countries. It is not yet clear what will happen to the functioning of democracies if sizable groups of immigrants do not wish to do so. A vulgar form of Euro-modern multiculturalism assumes that all cultures are equal in their moral and political preferences, as if underneath the skin, deep in their hearts, all peoples were universalist liberals. In a variety of circumstances, that is turning out not to be true: The long-term dangers of radical, alienated European Muslims feeding the leadership of worldwide terrorism are already being felt.

Europe needs to have a realistic understanding of the degree of benevolent competition, and long-term hostile threat, that it must expect from Muslim peoples, given the widespread lack of economic opportunity, and the fairly closed political outlets, of Middle Eastern societies during the past 50 years. One would think it in the high and urgent interest of Europe to set a new and different dynamic to work in that part of the world, which is so close to them. It is also necessary for Europeans to come to a clearer understanding of the intense hatred for and violent opposition to democracy of a small but intense faction of extremists who claim to be Islamists, for whom an adequate and accurate name seems to be Islamofascists. These are the factions led by the Saudi Arabian Osama bin Laden and the Jordanian Abu Musab al-Zarqawi.

Given the demographic crisis mentioned earlier, it will be essential for Europe in the near future to create much more new wealth than its economies have ever been required to create before, simply to pay benefits due to the large proportion of retirees (compared with workers) in their economies. Social-welfare economies were constructed on the basis of a proportion of about nine, or at least seven, workers to every retiree. In Europe, the actual proportion will all too soon approach three workers per retiree. To make matters worse, most retirees were originally expected to die not long after their 65th birthday, but now very large numbers of them are living past 85. They will require their pensions to be paid for many more years than the planners of the welfare state ever imagined. In addition, medical care for them has become far more sophisticated and vastly more expensive than anyone dreamed 50 years ago. In Europe, it really is time to stop the show of disdain for economies that work better than Europe's, at least in creating new jobs for an ever-expanding workforce, and in steadily raising living standards for all.

Europe will find during the next 30 years that it desperately needs alliance with the United States, for many reasons. It is utterly clear to Americans that in the immense challenges looming ahead in the 21st century—from China and India, as well as the Middle East—we will desperately need an alliance with a strong and united Europe. That is why the prospect of a Europe beset with sickness of soul, and with illusions about its own spiritual health, worry us deeply. We very much need Europe to be successful—and soon. **NR**

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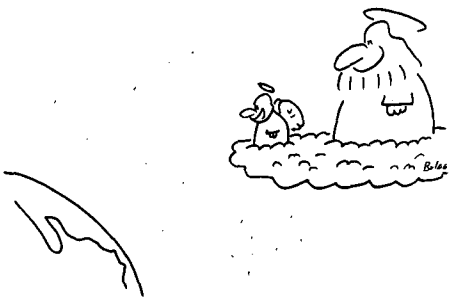
HELP!!!!

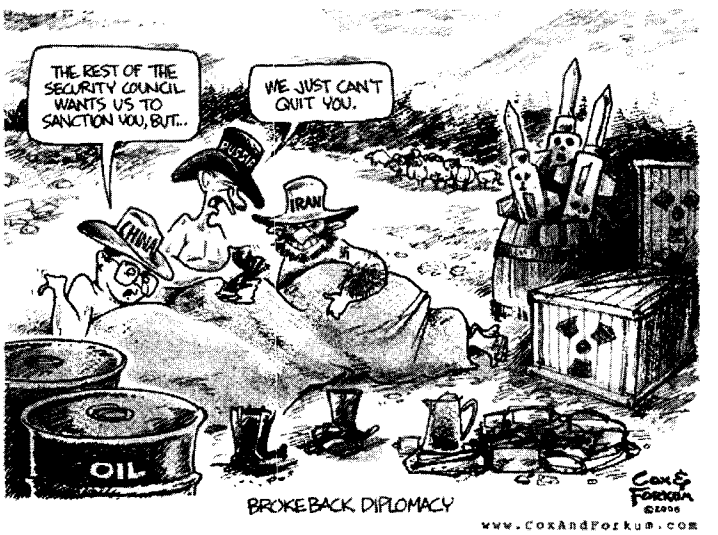
Martha-Ann's Moment

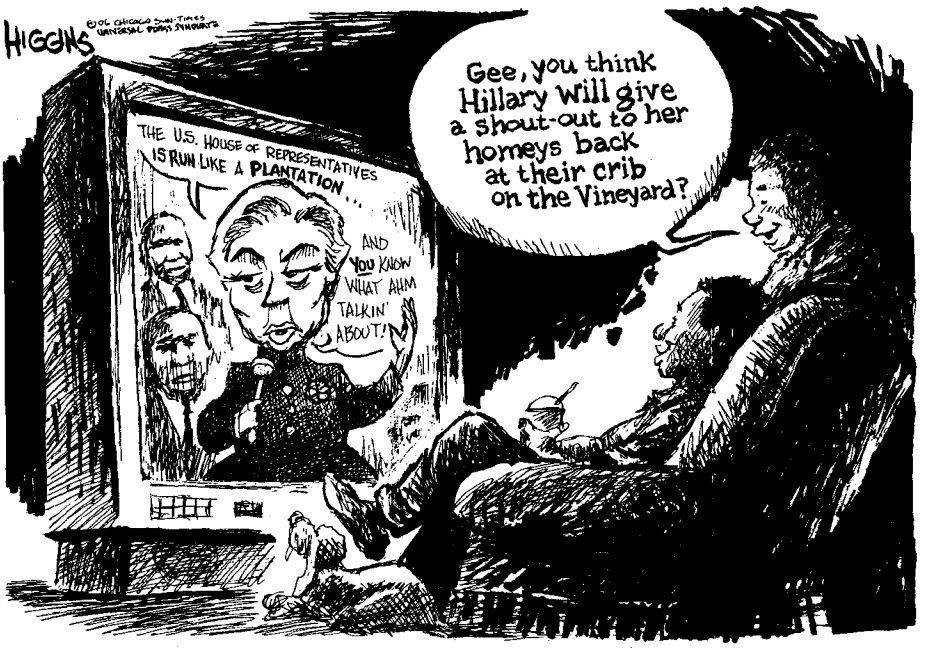
Like final scenes that stun the stalls,
Mrs. Alito's tears,
Run on front pages and TV,
Brought readers off their rears,
While viewers, dabbing openly,
Glared at the shaken Dems
As grown men, yielding to the scene,
Sobbed with the stricken fems.

—W. H. von Dreele



"Hey, neat!—You've created a reality show!"




HIGGINS
THE U.S. HOUSE OF REPRESENTATIVES IS RUN LIKE A PLANTATION...
AND YOU KNOW WHAT AHM TALKIN' ABOUT!
Gee, you think Hillary will give a shout-out to her homeys back at their crib on the Vineyard?

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the long view

ROB LONG

NSA SURVEILLANCE EXTRACT

23:18:33 GMT BEGIN CALL
UNIDENTIFIED SENIOR AL-QAEDA OPERATIVE: "Hello? Hello? Who is there?"
UNIDENTIFIED MALE VOICE: "Hello?"

23:18:36 GMT BEGIN FISA WARRANT QUERY
USAQO: "Yes, hello. Yes. Listen to me now. Yes, I want to know about how this latest tape is working."
UMV: "Are you kidding me? How it's working? It's going fabulously! Are you seriously asking me this? You took my advice, you went for the truce, and I think the American people . . ."
USAQO: "Yes but I see in the Fox News and the Drudge that . . ."
UMV: "These are not people to listen to. Listen to me. I am your media consultant, okay? This is what I do. This is my whole thing, okay? You pay me a lot . . ."
USAQO: "A lot of money yes. So I am worry about . . ."
UMV: "Do not worry. I'm telling you. Did you read the clippings I sent? From the *Times*, from the *Post* . . . what I'm saying is that your latest audio tape—and I thought you sounded great, by the way—you took control of the debate. And this is what I tell all of my clients. You have to frame the debate. People are now talking about the whole truce thing. Your truce thing. Hey, we're moving the pieces forward, and that's a good thing."
USAQO: "But I hear nothing from the Cheney."

23:19:04 GMT AWAITING FISA WARRANT AUTHORIZATION
UMV: "Lemme tell you: These guys are running scared. Their whole thing is coming down with the spying and . . ."
USAQO: "And this Jew with the hat?"
UMV: "Abramoff, yes. We could be talking impeachment. Then there's the Libby thing. And the news from Iraq is . . ."
USAQO: "And Shrum? Is also a Jewish name?"
UMV: "I don't see why we have to go there."
USAQO: "This advice you give me. Video. Truce. Then I see on *Daily Show* they insult me."
UMV: "I found the *Daily Show* coverage basically very supportive."
USAQO: "This is some kind of Jew trickery?"

23:21:55 GMT AWAITING FISA WARRANT AUTHORIZATION
UMV: "I'm getting a call on my other line. Look, don't worry so much. It's a building-block thing. It's what I tell all my clients."
USAQO: "But . . ."
UMV: "Gotta go."
SECOND UNIDENTIFIED MALE VOICE: "Bob? Ted here."
UMV: "Senator! How are you?"
UMV #2: "Not so good, Bob."
UMV: "What? Why?"
UMV #2: "I think the Alito thing is blowing back on us. You said hit hard, we hit hard, and I gotta say, I'm questioning the value of the advice."
UMV: "Senator Kennedy, I am just totally blindsided here. From where I sit, the Alito thing has been going great for us. Just totally, totally great. I think the American people are slowly realizing just how far right this administration . . ."
UMV #2: "He's in, okay, Bob? He's going to make it."
UMV: "I think, though, that in the fullness of time . . ."
UMV #2: "Honestly, Bob, we're thinking about pulling our contract with you."
UMV: "Senator, to be frank, I think you'd be making a huge mistake. Here's what I tell all my clients: patience. We're winning, okay? I know it looks like losing, but sometimes losing and winning are, like, hard to tell the difference between. Like black and navy blue. You put on a sweater and say, 'Hey, is this black, is this blue, or what?' and you have to take it outside to really know. And that's what I'm saying is going on here, okay Senator? Yes, Alito is going to get confirmed, but all of these Bush so-called wins just tee us up for our big win down the road. At some future date. Down the road. Patience. Okay, Senator?"
UMV #2: [indiscernible gurgling]
UMV: "Senator?"
UMV #2: [indiscernible gurgling]
UMV: "Senator, I'm getting a call on my other line. I'll have to call you back."

23:27:07 GMT AWAITING FISA WARRANT AUTHORIZATION
UMV: "Hello?"
UNIDENTIFIED FEMALE VOICE: "Bob?"
UMV: "Senator Clinton! Fantastic to hear from you!"
UFV: "Really, Bob? I've been getting the impression you've been ducking my calls."
UMV: "Ducking? Why would I be ducking?"
UFV: "Because I took your advice and gave that speech on MLK Day and compared the House to a plantation and I haven't heard the end of it."
UMV: "I know! It's been fantastic!"
UFV: "Fantastic? What universe are you living in?"
UMV: "Senator, I've been popping champagne over here. Are you kidding? You got this huge coverage, everyone's all 'hey she's got gumption' and it's just a total, total victory for us. A huge victory. Just a wonderful, fabulous win for us."
UFV: "I went down six points in the polls, Bob."
UMV: "I didn't say it was perfect."
UFV: "Bob, when was the last successful piece of advice you gave?"
UMV: "There have been literally dozens."

23:28:24 GMT FISA WARRANT AUTHORIZATION DECLINED

END SURVEILLANCE

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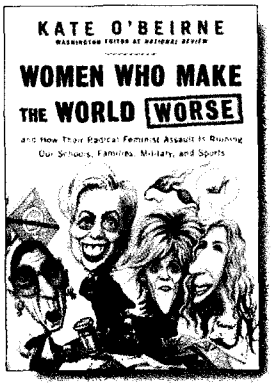
Bad Girls of America



Women Who Make the World Worse, and How Their Radical Feminist Assault Is Ruining Our Schools, Families, Military, and Sports, by Kate O'Beirne (Sentinel, 256 pp., $24.95)

CHRISTINA HOFF SOMMERS

SWEDISH newspapers recently ran an unusual story about the misdeeds of feminist professor Eva Lundgren. Lundgren, a gender scholar who holds a chair in sociology at the prestigious Uppsala University, had been investigated by a university committee for maligning Swedish men. She had publicly claimed to have proof that bands of male Satanists had ritually murdered hundreds of the nation's infants. She also "found" that fully half of Swedish women were victims of male violence. Members of the committee investigating the professor's sensational assertions found them baseless, but they absolved her of deliberate fabrication. Still, they said there were "serious problems in Lundgren's research," and they faulted her for failing to be "critical and reflective." What is extraordinary about this episode, from an American perspective, is that a reality-challenged women's studies professor who made outrageous, bizarre, and wholly unsubstantiated claims was censured at all. In the United States, she would get a grant—and a raise—to help her pursue her "courageous" and important research.

Kate O'Beirne's acute, funny, and irreverent new book introduces us to the armies of Eva Lundgrens who have been marching unopposed in sisterly solidarity through America's major institutions for more than three decades. O'Beirne cites such leading feminists as Gloria Steinem, Eleanor Smeal, and Kate Michelman, along with celebrated political figures, including Hillary Clinton and Ruth Bader Ginsburg. She also introduces readers to a large network of gender-equity apparatchiks who work tirelessly behind the scenes to transform American institutions according to strict feminist specifications. These women fervently believe they are improving the world—but, as O'Beirne clearly shows, they are adding to its miseries.

O'Beirne deploys a tactic that orthodox feminists consider grossly unfair: She quotes them and highlights their claims. Then she responds. Here is feminist author Anne Wilson Schaef lamenting the ravages of the American patriarchy: "To be born female in this culture means that you are born 'tainted,' that there is something intrinsically wrong with you that you can never change, that your birthright is one of innate inferiority." Oh really? says O'Beirne. "She should have been on Knickerbocker Road in Manhasset, New York. In our conventional, 1960s middle-class culture, we girls ran the neighborhood. We'd jump rope by the hour, with one end of the rope anchored to the bumper of a Rambler and some hapless little boy turning the other end until we released him from his duties."

O'Beirne brings wit and common sense to bear on the weird and rancorous world of orthodox feminism. She is a veteran editor at NATIONAL REVIEW and was a longtime member of the now (sadly) defunct *Capital Gang* debate program on CNN. Her new book explains to readers exactly what it is these impassioned women believe and how they have changed and will continue to change American society as long as they remain unchallenged.

In O'Beirne's book, readers will meet American women who make Sweden's Eva Lundgren appear restrained. Profs. Dee Graham and Edna Rawlings, for example, are University of Cincinnati psychologists who report that "all male-female relationships [are] more or less abusive" and that "women's bonding to men, as well as women's femininity and heterosexuality, are paradoxical responses to men's violence against women." Both Graham and Rawlings, notes O'Beirne, received large grants from the Justice Department and are featured speakers at training workshops for police, prosecutors, and judges. They and their like-minded sisters even managed to get an expensive federal program of their very own: the Violence Against Women Act.

This $1.6 billion initiative has been aptly described by Rutgers University anthropologist Lionel Tiger as a "civic celebration of antipathy to men." As O'Beirne explains, domestic violence is a serious problem and we need good policies and good law enforcement to deal with it; what we do not need is an expensive federal bureaucracy that rewards and employs fanatics like Graham and Rawlings. Yet that is what we got. Why? Because no member of Congress dared oppose Big Sister. No one mentioned the fact that the bill was based on feminist propaganda, as opposed to reputable research.

O'Beirne reminds us of such truths, and more. She shows us a modern women's movement that has contempt for the women it claims to represent. Rather than find out what women want and help them achieve it, professional feminists take it upon themselves to decide what women's goals should be. "NOW Knows Best," says O'Beirne. Most women want children and the time to take care of them, but the major women's organizations—such as the National Organization for Women, the Ms. Foundation, and Planned Parenthood—are focused on instructing women how *not* to conceive a child, how to abort

Christina Hoff Sommers is a resident scholar at the American Enterprise Institute. She is the author of *Who Stole Feminism?* and *The War Against Boys.*

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THE NATIONAL REVIEW 2006

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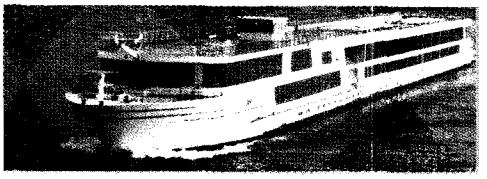

Rhine River

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LUXURY CHARTER SOJOURN TO VISIT HISTORIC AMSTERDAM, DÜSSELDORF, COLOGNE, KOBLENZ, MAINZ, RÜDESHEIM, HEIDELBERG, MANNHEIM, STRASBOURG, AND BASEL

WE ARE PROUD to announce *National Review*'s next delightful adventure: our 2006 Rhine River Charter Cruise.

Featuring a line-up of all-star conservative speakers, and a glorious four-country Rhine River itinerary—Amsterdam in The Netherlands; Düsseldorf, Cologne, Koblenz, Rüdesheim, Mainz, Mannheim, and Gernsheim in Germany; Strasbourg in France; and Basel in Switzerland—this special trip (which includes two days "pre-cruise" in Amsterdam!) will take place May 4-13, 2006, aboard Viking River Cruises' new and luxurious 5-star *Helvetia II*.

You must join us for this thrilling charter trip—our *NR*-only contingent of congenial conservatives will enjoy a fabulous itinerary and inclusive excursions—a package that Viking River Cruises *specially* designed for us! We're certain this will be another intimate *NR* experience (the luxurious *Helvetia II*, which will launch in April, 2006, holds just 200 people) that you won't want to miss.

Joining us for all the unrivaled conservative revelry and discussion of major events, trends, and policies will be **Michael Novak**, the eminent scholar and author (the NRO Contributing Editor writes powerfully on theology, economics, and public policy); **John O'Neill**, the Vietnam War hero who founded "Swift Boat Veterans for Truth," which played a major role in the 2004 presidential elections, respected columnists and authors **Robert Novak**, **Cal Thomas** and **Mona Charen**, and *NR* all-stars **Rich Lowry**, **Kate O'Beirne**, and **Jay Nordlinger.** And we have just received great news from acclaimed historian **Paul Johnson** and *NR* Senior Editor **David Pryce-Jones**: they too will be joining us, guaranteeing that *NR*'s 18th(!) cruise will be second to none. The itinerary alone is worth the trip:

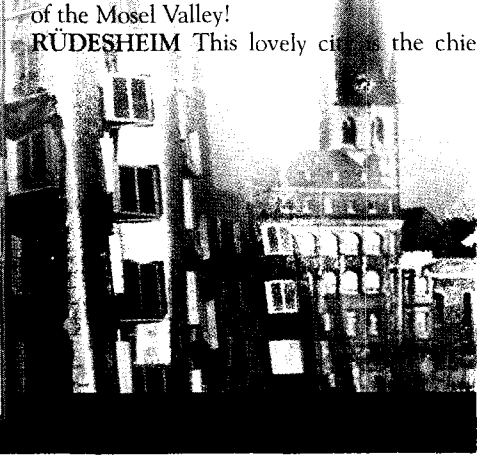
AMSTERDAM This 800-year-old city is renowned for its magnificent museums, colorful gardens, glorious architecture, and endless lattice of canals. During our pre-cruise stay, we'll enjoy a special tour of the famous Keukenhof/Aalsmeer flower auction.

DÜSSELDORF This major arts center, home to numerous theaters, museums, and the German Opera House, is also a shopper's paradise (the Königsallee features many classy shops and pavement cafés). Our guided city tour will include a visit to Benrath Palace with its stunning rococo interior and massive beautiful gardens.

COLOGNE An intriguing mix of old and new, Cologne's Roman heritage is evident from the city's layout and many ancient ruins. Its modern plazas and the Hohe-Strasse, a pedestrian-only retail zone, provide ample shopping, lively bars and enticing restaurants. On our city tour, we'll visit the city's famous 14th century gothic Dom Cathedral (as well as a "Brauhaus" visit!).

KOBLENZ Capturing traditional German charm, this city of cobblestone streets, ancient market squares, and medieval churches is home to the Ehrenbreitstein (Europe's oldest fortress). From here we'll be taking an exciting, extended, and guided tour of the Mosel Valley!

RÜDESHEIM This lovely city is the chief



8 FREE TOURS, INCLUDING HEIDELBERG & MOSEL VALLEY!

DAY/DATE	PORT	ARRIVE	DEPART	SPECIAL EVENT
Thur/May 4	Amsterdam	Arrive morning		Transfer to hotel
Fri/May 5	Amsterdam			Keukenhof/Aalsmeer flower auction tour
Sat/May 6	Amsterdam		6:30pm	Afternoon panel session Evening cocktail reception
Sun/May 7	Düsseldorf	11:00am	(overnight)	Morning panel session City tour/Benrath Palace
Mon/May 8	Düsseldorf		4:30am	
	Cologne	9:00am	10:00pm	City Walk/Cathedral and Brauhaus Tour Late-night Smoker
Tue/May 9	Koblenz	6:00am	2:00pm	Mosel Valley excursion Afternoon panel session Evening cocktail reception
	Rüdesheim	7:30pm	(overnight)	Late-evening wine tasting
Wed/May 10	Rüdesheim		6:00am	
	Mainz	8:30am	12:00 noon	Gutenberg museum and City walking tour
	Gernsheim	2:30pm (drop off)		Heidelberg excursion
	Mannheim	6:00pm	(overnight)	
Thur/May 11	Mannheim		2:00am	Morning panel session
	Strasbourg	2:00pm	(overnight)	City tour Late-night smoker
Fri/May 12	Strasbourg		1:00pm	Alsace/Vosges excursion Afternoon panel session Evening cocktail party
Sat/May 13	Basel	12:00 midnight (arrive)		

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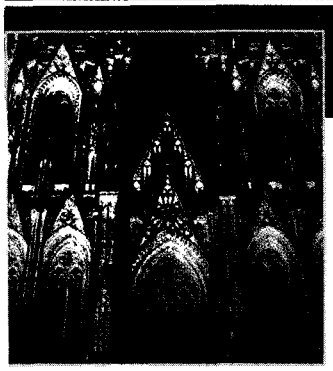
on Viking River Cruises' new *Helvetia II*

Cruise

FREE TWO-DAY PRE-CRUISE
STAY IN EXCITING AMSTERDAM!



RESERVATION BLITZ— JUST 12 CABINS LEFT!

center of the Rhine wine industry. Its famed Drosselgasse, a tavern-lined, cobblestone street, attracts locals and visitors alike. Half-timbered medieval houses, narrow streets, and old inns give the town the flavor of the Middle Ages.

MAINZ This ancient Roman city and important Middle Ages' trade center is famous as the home to printing pioneer Johannes Gutenberg. *NR*'s contingent will be visiting the Gutenberg Museum, as part of a City Walking tour. St. Stephen's Cathedral, which features Chagall's glorious stained-glass windows, is a must-see!

GERNSHEIM From this charming port we'll take an *NR* group tour to Heidelberg, famous for its esteemed university, charming Old Town, and awesome castle.

MANNHEIM Renowned for its classical "chessboard" layout dating from the 17th century, Mannheim—featuring many elegant shops, cafés, and restaurants—is a haven for culture and the arts. You'll find the baroque Mannheim Residence, with its ornamental stucco knights' hall, of special interest.

STRASBOURG This delightful border city exhibits both French and German influences. The old streets of "Petit France"—we'll saunter down them on the *NR* guided City Walk tour—with wooden houses and picturesque canals seem to make time stand still. We'll stay in this very special place overnight, with our second "day" featuring an NR excursion to delightful Alsace and Vosges.

BASEL Our last port is located where French, German and Swiss borders meet, historic Basel, with cobblestone streets, 18th century buildings and surviving medieval gates, is the gateway to the Swiss Rhineland.

That phenomenal cruise will be made all the better by the many "extras" that are part of an *NR* experience: ***The National Review 2006 Rhine River Charter Cruise*** will feature six seminar sessions (each two hours!) where our guest speakers and editors candidly discuss today's most important issues; three classy cocktail receptions and two delightful "smokers" featuring H. Upmann cigars (picture yourself on the Sun Deck, a delightful drink in hand, surrounded by new-found friends, as the luxurious *Helvetia II* gently sails past the most charming villages and vistas you will ever see, in the company of friends old and new!); plus intimate dining on two nights with our editors and guest speakers!

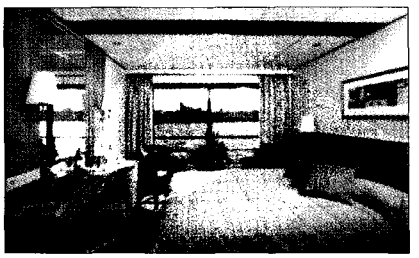
It's the trip of a lifetime—that's why just a dozen cabins remain available! Don't miss out: call 800-707-1634 for information, or get complete information (and sign up) right now at **www.nrcruise.com.**

Experience the trip of a lifetime: Join us in May—now with Paul Johnson, David Pryce-Jones, Michael Novak, Robert Novak, Cal Thomas, Mona Charen, John O'Neill, Rich Lowry, Kate O'Beirne, and Jay Nordlinger—on the ***National Review 2006 Rhine River Charter Cruise.***

ACT NOW! NR-ONLY LUXURY CRUISE LIMITED TO 170 GUESTS. PRICES START AT $3,999 P/P!

A relaxing journey down the glorious Rhine on the beautiful, new Viking *Helvetia II* is the best way to see Europe up close and in depth! Superior service, gourmet cuisine, elegant cabins, expert-led excursions—and the pleasure of traveling with an *NR*-only group—await you on our special trip. Prices are per-person, based on double occupancy, and include port fees, taxes, gratuities, group excursion, all meals, entertainment, and admittance to and participation in all *National Review* functions.

DELUXE SUITE All staterooms on the beautiful new *Helvetia II* are a comfortable 155 square feet, and include a private bathroom and shower, TV, safe, hairdryer, air-conditioning, and come with a variety of window selections:



CATEGORY A French WIndows which open to small exterior river view landing allowing you to stand outside and enjoy the lovely scenery (Upper Deck). **SOLD OUT** $4,399 p/p or $7,399 Single

CATEGORY B Large wIndow with river view opens to let in fresh breezes and magnificent vistas (Middle Deck). $4,199 p/p or $7,199 Single

CATEGORY D Small wIndows with river view (Main Deck). $3,999 p/p or $6,599 Single

TO RESERVE YOR STATEROOM VISIT WWW.NRCRUISE.COM OR CALL 1-800-707-1634

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The National Review 2006 Rhine River Charter Cruise Application

Mail to: National Review Cruise, The Cruise Authority, 1307 Powers Ferry Rd., Marietta, GA 30067-5409 or Fax to 770-916-1425

Please fill out application completely and mail with deposit check or fax with credit-card information. One application per cabin. If you want more than one cabin, make copies of this application. For questions call The Cruise Authority at 800-707-1634.

Personal

Name #1 (full legal name) + informal name | Birthdate | Shirt Size (S-XXL)

Name #1 Citizenship | Passport Number | Expiration Date

Name #2 (full legal name) + informal name | Birthdate | Shirt Size (S-XXL)

Name #2 Citizenship | Passport Number | Expiration Date

Name #3 (full legal name) + informal name | Birthdate | Shirt Size (S-XXL)

Name #3 Citizenship | Passport Number | Expiration Date

Street Mailing Address

City | State | ZIP

( ) Daytime Phone

Email address

Payment

A deposit of $2,500 **per cabin** is due with this application. If paid by credit card, balance will be charged to *same* card on February 3, 2006 unless otherwise directed. If application is received after February 6, 2006, the full amount of cruise will be charged. Cabins and categories are available on a first come, first served basis.

☐ $2,500 **per cabin** deposit is included (checks payable to "National Review Cruise")

☐ Charge to: AmEx ☐ Visa ☐ MasterCard ☐ Discover

Card #

Expiration Date (Month) _____ (Year) _____

Authorized Signature of Cardholder/Guest

Information and price quote on Cancellation Fee Waiver/Medical Insurance will accompany your statement. Cancellation Penalty Schedule follows (cancellations must be received in writing by the date indicated):

PRIOR to December 5, 2005 you will be charged $100 per person. FROM December 5, 2005–February 3, 2006, you will be charged $500 per person. AFTER February 3, 2006, the penalty is 100% of cruise/package.

Air Travel

There are two options for booking air transportation for this cruise package.

OPTION 1: You may book your own air via whichever means you choose. Most importantly, plan to depart the U.S on Wednesday, May 3rd for a Thursday, May 4th arrival into Amsterdam. Transfers from the airport to our hotel are included in the cruise price, provided that The Cruise Authority is notified of your flight information. Return flights should be scheduled from Basel, Switzerland any time on the morning of Saturday, May 13th. Transfers will be provided from the riverboat to the Basel airport. Should you elect to schedule your return air from Zurich, Switzerland note that there is train service, and it is approximately 50 miles from Basel. Should you wish to utilize frequent flyer miles, note that these seats typically book up months in advance.

OPTION 2: The Cruise Athority will work with you to make all necessary arrangements for coach, business or first class air pertaining to this cruise. Contact Danet Trafton at dtrafton@the-cruise-authority.com (or call 1-800-707-1634) for a quote.

Pre- or Post-Cruise Customization

This *National Review* cruise package includes 2 nights in Amsterdam (May 4th & 5th) prior to the departure date of the riverboat on May 6th. Should you wish to arrive into Europe prior to this package, or extend your stay at the completion of the cruise, please contact The Cruise Authority travel specialists: Nancy Laudenschlager, nancyl@the-cruise-authority.com, or Danet Trafton, dtrafton@the-cruise-authority.com.

Cruise

(All rates are per person, double occupancy, and include all port charges and taxes, all gratuities, meals, entertainment, and *National Review* activities. Failure to appear for embarkation for any reason constitutes a cancellation subject to full penalties. Personal items not included.)

PLEASE CHECK ALL APPLICABLE BOXES!

I. CABIN CATEGORY *(see list and prices on previous page)*

First cabin category choice:_____ Second cabin category choice:_____

Bedding: Beds made up as ☐ Twin ☐ Queen

BOOKING SINGLE? ☐ Please try to match me with a roommate. (My age: ____)

If we cannot arrange a roommate or if a roommate cancels, single rates will apply.

II. AIR PACKAGE

☐ Please quote air from _____.

Class of Service: ☐ *Coach* ☐ *Business Class* ☐ *First Class*

☐ We will provide our own roundtrip air, but would like to arrange complimentary transfers (Plan to arrive in Amsterdam on May 4, 2006, and to depart after 12:00 NOON from Basel, Switzerland on May 13, 2006).

☐ I/We will reach the Amsterdam Marriott on our own.

III. AMSTERDAM HOTEL UPGRADES

☐ Upgrade to a Junior Suite for an additional $398 p/p Double Occupancy, or $846 for Single Occupancy.

IV. GENERAL INFORMATION

DINING: Please note that there is no smoking permitted in the *Viking Helvetia II* dining room. Dinner will be "open seating," with casual dress code.

V. PRE- AND POST-CRUISE PACKAGES

☐ I am interested in pre-and post-cruise travel information. Please forward me whatever information you have available.

VI. MEDICAL SITUATIONS

Are there any medical situations we should know about?

VII. SPECIAL EVENTS

Are there any special events we should know about?

Important!

Everyone cruising will be required to bring either a valid passport. Failure to do so may result in being denied boarding of your flight and the *Helvetia II*.

Responsibility: Notice is hereby given that the cruise advertised herein, including all tickets, vouchers and coupons issued and all arrangements for transportation or conveyance or for hotel or lodging or for sightseeing services are made by H20 Ltd. d/b/a The Cruise Authority (TCA) on behalf of *National Review*, as agency for Viking River Cruises (VRC), and/or service providers and/or suppliers providing services necessary for operation of the tour upon the express condition that TCA shall not be liable for injury, acts of terrorism, acts of war, declared or undeclared, damage, loss, accident, delay or irregularity to any tour participant or his or her property that may result from any act or omission of any company, contractor or employee thereof providing services in connection with the tour, including but not limited to transportation, lodging, food and beverage, entertainment, sightseeing, luggage handling and tour guiding. Furthermore, TCA cannot be held responsible for delays or costs incurred resulting from weather and road connections, breakdowns, acts of war declared or undeclared, acts of terrorism, strikes, riots, acts of God, authority of law or other circumstances beyond its control. In the event that a participant be entitled to a refund of monies paid, TCA will not be liable in excess of amount paid. TCA reserves the right to decline any persons as a tour participant at any time. TCA is not responsible for price increases imposed by VRC and/or service providers. Such increases may be implemented prior to deposit received. TCA is not responsible for breach of contract or any intentional or careless actions or omissions on the part of VRC and/or service providers, such as suppliers of tours or other services used or obtained on or at the time of the cruise or shore excursions, which result in any loss, damage, delay or injury to you or your travel companions or group members. TCA does not guarantee any of such suppliers rates, booking or reservations and TCA shall not be responsible for any social or labor unrest, mechanical or construction difficulties, diseases, local laws, climate conditions, acts of war, declared or undeclared, acts of terrorism, abnormal conditions or de-velopments or any other actions, omissions or conditions outside of TCA's control. TCA, nor *NR* shall be respon-sible for the accessibility, appearance, actions or decisions of those individuals promoted for this cruise. By embarking upon his or her travel, the traveler voluntarily assumes all risks, and is advised to obtain appropriate insurance coverage against them. Retention of tickets, reservations, or package after issuance shall constitute a consent to the above and an agreement on your part to convey the contents hereof to your travel companions.

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it once conceived, and how to place it in full-time daycare should it actually materialize.

Women Who Make the World Worse documents a 30-year war against the idea that the mother/child bond is unique. O'Beirne quotes the public comments of Supreme Court justice Ruth Bader Ginsburg, a committed feminist, on the topic of maternal love: "Motherly love ain't everything it has been cracked up to be. To some extent it's a myth that men have created to make women think that they do this job to perfection." In a similar mood, Yeshiva University professor Louise Silverstein called motherhood an "idealized myth" invented by men "in an attempt to encourage white, middle-class women to have more children." Prof. Gretchen Ritter, director of women's studies at the University of Texas, goes so far as to condemn full-time mothers as harmful to children: "It teaches them that the world is divided by gender."

The good news is that women don't seem to be paying attention to the self-appointed feminist mentors. Nor is Mother Nature cooperating. O'Beirne notes that mothers continue to fall madly in love with their babies in ways even the most devoted fathers do not. Despite two generations of "wage warrior" feminism, only 10 percent of mothers with young children want to work full-time. Hardliners are exasperated by such "stereotypical" behavior: Until a majority of mothers work full-time, or men stay at home in equal numbers—as orthodox feminists insist is only fair—the sisterhood will not be able to realize its dream of a unigender society. Until women become like men (or better yet, men like women), the pay gap, caused mostly by women's "excessive" preoccupations with their children, will remain significantly wide and the glass ceiling won't shatter.

Ignoring the spurious scholarship of the gender experts, O'Beirne cites a large body of empirical research that documents the advantages of marriage for women. The standard feminist view of traditional marriage was stated with dramatic succinctness by women's-studies pioneer Jessie Bernard in 1972: "Being a housewife makes women sick . . . To be happy in a relationship which imposes so many impediments on her as traditional marriage does, women must be slightly ill mentally." For these and other such insights the Center for Women's Policy Studies now awards the Jessie Bernard "Wise Women Award."

Full-time mothers and traditional wives are not the only targets of feminist disapproval. O'Beirne exposes a relentless campaign against boys and young men: "We parents of boys have meekly allowed gender warriors to treat our sons like unindicted co-conspirators in history's gender crimes." When her son was in third grade, the teacher had the children perform a newly written, politically correct, nonsexist fairytale. The kingdom's empowered girls slayed the dragon and defended the castle while the boys stood by passively and absorbed the lesson. O'Beirne tells readers that that was the day she resolved to "move him to a friendlier kingdom."

It is fortunate for us that Kate O'Beirne loves to argue and does it with style, logic, and humor. Nor does she hesitate to deliver harsh verdicts.

Today, says O'Beirne, "Women make up 57 percent of undergraduates and earn a majority of all master's degrees. But feminists aren't content with this remarkable educational success, because female students aren't playing sports to the same extent as men." They become furious if anyone brings up the possibility that boys are by nature more interested in watching and playing sports than girls. The fact that millions of men—and relatively few women—subscribe to sports magazines or watch athletic events on television (including women's basketball!) signifies nothing to the feminists, except the power of sexist conditioning under the patriarchy.

These gender feminists have succeeded in enforcing their point of view in the nation's high schools and institutions of higher learning. Most coaches find they cannot attract men and women in equal numbers. To avoid lawsuits, many have had to eliminate men's teams. "The result," says O'Beirne, "is that men's participation in sports is capped at the level of women's interest." Such policies please the radicals, but no fair-minded person can believe they are improving our society.

O'Beirne also introduces readers to a noisy pack of lobbyists and legislators who rail against the military's "warrior culture" and demand that women be fully integrated into all combat positions. Reasonable people can disagree about suitable roles for women in the modern military; unfortunately, the feminist ideologues make reasonable discussion impossible. They want full parity. Police and fire departments face similar pressures from equal-outcome feminists. But the fact is, only the top 5 percent of women can perform at the male median. According to one study of ROTC cadets, cited by O'Beirne, the typical woman in her twenties or thirties has the aerobic capacity of a 50-year-old man. Our world is not improved when women are forced into roles they cannot properly perform.

For O'Beirne, much of the mischief that modern feminists have wrought in our schools, workplaces, and social institutions is traceable to their success in convincing educators and political figures that gender is a social construction. To counter this idea, O'Beirne points to a vast and growing literature that suggests that many gender preferences have a biological basis. But it is clear that nothing will persuade the hardliners to change their position; their angry march continues apace.

Meanwhile, how has the so-called patriarchy responded to the feminist onslaught? "The fearsome male patriarchy," says O'Beirne, "folded like a cheap Kate Spade knockoff . . . The shrill feminists who made men the enemy took shrewd advantage of the fact that men hate arguing with women." It is therefore fortunate for us that O'Beirne loves to argue and does it with style, logic, and humor. Unlike the gentle Swedish academic committee that delivered a mere slap on the wrist to their outrageous feminist colleague, O'Beirne does not hesitate to deliver harsh verdicts. She won't be winning the Jessie Bernard "Wise Women Award" any time soon. But she has written a rousing, scintillating, and badly needed book. **NR**

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The Blood-Soaked Terrain

Upon the Altar of the Nation: A Moral History of the Civil War, by Harry S. Stout (Viking, 576 pp., $29.95)

JAY NORDLINGER

No topic is more studied or written about in our country than the Civil War. The books never stop coming—they will probably never stop coming. Is there anything new to say? Well, the claims for Harry S. Stout's book are large. You will never see blurbs more excited. "The wait is now over," says one endorser—for a book that really gives us the Civil War. A "stunning new interpretation," says another.

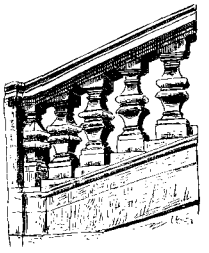
Our stunning new interpreter is the Jonathan Edwards Professor of American Religious History at Yale. He sets out to discover whether the Civil War was a "just war," obeying the principles of "proportionality," "discrimination," and so on. He answers, in a word, no—although he has this to say in his afterword: "I cannot bring myself to say that 620,000 men died in vain." And he says in his introduction, "[I]t is possible, and, I believe, reasonable to conclude that the right side won *in spite of itself*."

Professor Stout's theme is succinctly stated in the book's jacket copy: that, in the Civil War, "patriotism trumped morality"—on both sides, from the first shot to the last. Clergymen were "cheerleaders" for butchery. Zombie-like Americans had a "bloodlust" that would not be sated until the last corpse at Bentonville, or wherever it was. (Perhaps it was in Ford's Theater.)

In the course of his book, Stout proves what we have long known: that each side was convinced of its own righteousness, and of the holiness of its own purpose. The South quickly adopted an identity as a Christian nation, whose motto was "Deo Vindice" ("With God as Our Defender"). They pointed out that the U.S. Constitution—now the Northern constitution—failed to mention God at all. The North, for its part, began the war with the idea of saving the Union; they soon determined to abolish slavery, and thereby redeem the nation. Without abolition, how could the carnage be justified?

It should surprise no one that, on a continent of Christians, virtually all involved thought of their behavior as Christian, or hoped it was.

Each side beseeched God for victory. Each side interpreted battles won as signs of divine favor, and battles lost as signs of divine disfavor (to be puzzled over, learned from). Near the end of the war, Lee wrote to his wife: "[T]rusting in a Merciful God, who does not always give the battle to the strong, I pray we may not be overwhelmed."



Professor Stout has described his book as a "moral history," and so it is: but it is also a general history, a political history, a military history—a history history. Stout seems to have poured everything he knows and thinks about the war into this long book. (If he has more in him, he is indeed a prodigy.) I think his book would have been better off narrower: more focused, more philosophical, and much shorter. He simply quotes too many sermons, too many letters, too many editorials. I kept thinking, throughout the chapters, "Tighter, tighter!" I believe a tighter book would have given his argument a greater impact. But he had a different book in mind.

The writing is good, neither too dense nor too spare. Stout says some funny things, of course—it is probably inevitable in a book of this length, and complexity. He writes that, in theater, Lincoln "preferred Shakespeare or comedy." How about Shakespeare's comedies? He misspells a very, very commonly misspelled word: "supersede." But at least he does so consistently.

The main problem with the book, as I see it, is a certain arrogance. In his introduction, Stout promises not to be too judgmental, not to be too much of a retrospective scold. But his book is monumentally judgmental, and, as I said, arrogantly so. He can write as if he were the only one ever to be sensitive to the awfulness of war. He is more anti-war than thou. From Civil War Americans came a "moral silence." "[N]o one asked hard questions." No one reflected on the lives lost. Stout's sneering references to "America's God" pile up.

It occurred to me, as I read the book, that perhaps the populations of North and

TO JULIEN

December 28, 2001–March 29, 2004

There are no words can soften such a loss.
All that survives of you, beloved boy,
Is gratitude that you were here with us,
And the overflowing memories of joy;
For even as we grieve, we revel in
Your radiance and fearlessness and mirth,
Now warmly bosomed in oblivion,
To sleep forever in the sacred earth.

—ROBERT MEZEY

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South knew as much about the horrors of war as Professor Stout. After all, they were living through one of the worst bloodbaths in history; a great many were starving. And how to account for this notion that, before Stout, no one ever truly absorbed the barbarity of the war? Listen to the blurbists: "Stout strips the veneer off all the comfortable illusions about the Civil War . . ." "Harry Stout raises troubling questions about the American Civil War . . ." "His searing critique . . . will undoubtedly upset some readers even as it deepens our understanding . . ." "Lovers of the Civil War beware: your favorite event is no longer a safe haven from our own world of moral confusion about war."

Oh, come off it. Americans have long understood that the Civil War was four years of sheer hell, worse than all of our foreign wars combined, and not just in casualties. I remember my 8th-grade American-history teacher—an old and tremulous woman—crying about it. That leaves an impression.

You will find, in Stout's book, intimations and declarations about a latter-day America. He uses words like "terrorism," "preemptive war," "realpolitik." He writes, "By linking emancipation and the 'crusade' against slavery to total war and a 'crusade' against the Confederacy, Lincoln's administration watered the seeds of an American-led Christian imperialism that was not without costs in later American history." In his afterword, he writes that "[m]any American wars of conquest and imperialism merely confirm the impalpable truth that because we are the world's last best hope, we are for the same reason the world's greatest threat." I thought of one of Donald Rumsfeld's favorite rebukes, or protests: "America is not what's wrong with the world."

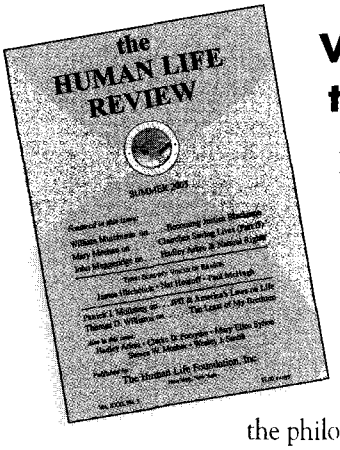
In my eyes, the towering figure in this book is Lincoln. He is simply bigger than everyone else: bigger in mind, spirit, heart. When Stout has him speak, the president stands as a voice of reason. He makes more sense than anyone else in these pages, including the author. That author levels many charges against Lincoln, for example hypocrisy: but he barely nicks him. Lincoln emerges stronger and more remarkable than ever. A eulogist is quoted as saying that the fallen president gave "moral genius" to the country. Nothing in this book contradicts that.

To his credit, Stout does not duck that mother of all questions: Was the Civil War worth it? Each of us must answer that question for himself, and Professor Stout may be of help. You know his answer: "I cannot bring myself to say that 620,000 men died in vain." And why? "In part because, for the most part, *they* did not say it." We should consider, too, this question of slavery, and its abolition. For generations, people on all sides have labored to take slavery out of the Civil War, or to minimize it in some way, and it is impossible. Lincoln spoke of "a gigantic Rebellion, at the bottom of which is an effort to overthrow the principle that all men are created equal . . ." General Grant, writing in reflection, said that the Southern cause was "one of the worst for which a people ever fought, and one for which there was the least excuse." But that cause will never be without defenders.

Professor Stout does not duck that mother of all questions: Was the Civil War worth it?

As I have been clear about some of my objections to Professor Stout's book, I should be clear about this, too: It is an impressive book. It is in many ways a deep book, and one to wrestle with. I imagine Stout is a force in the classroom.

And his book reminded me of one of my own professors—that 8th-grade teacher was not the only one to cry. This professor was a Southerner, and he taught a course on the run-up to the war. On the first day—indeed, these were his first words—he said, "What was the Civil War about? Slavery!" (He pronounced that word in three syllables: *slav-er-y*.) Yes, slavery was the "necessary but insufficient cause" of that conflict. And on the last day, he quoted *Dover Beach*, with its "ignorant armies," clashing by night. He said that this concept could apply to the Blues and the Grays. And then he cried—as well one might. **NR**



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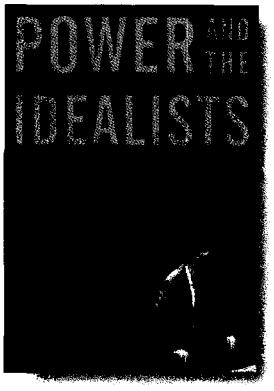
Bad Boys of Europe



Power and the Idealists: Or, The Passion of Joschka Fischer, and Its Aftermath, by Paul Berman (Soft Skull, 314 pp., $23.95)

DAVID PRYCE-JONES

In modern times, the Left has been wrong about everything important—with the one exception of Nazism. Wrong about Stalin, wrong about Mao and Castro, wrong to support North Vietnam and the Sandinistas and Milosevic, wrong, wrong, wrong. And now the Left comes out to say that Saddam Hussein should have been allowed to stay in power, and his overthrow is worse than a mistake, indeed a crime. The enthusiasm for dictators is really quite extraordinary, except that it is so absolutely ordinary.

Why does the ideology of the Left give priority to totalitarianism over straightforward human freedom? Why is the Left habitually blind to the real victims? Probably there is no fully satisfying explanation of these central political conundrums, but Paul Berman explores them with insights all his own, and what's more, in prose of strength, subtlety, and even humor.

Superficially, *Power and the Idealists* is an account of the author himself: an intelligent and informed man taking his distance from the leftist ideology with which he had grown up. Once, he lets drop, he lived in a Maoist commune in Paris; he researched the literature of the Left, and he knew and admired Edward Said, then in his heyday as chief cause-monger for Palestine. The 1968 student riots in Paris were an unforgettable moment of hope for him and many others like him. Revolution, at last!

Generously, maybe nostalgically, Berman supposes that the '68ers and their kind were conditioned by the specter of the Nazism that their parents had endured, imagining themselves as potential resisters, never collaborators. In the absence of Nazism, something else would have to substitute as a bogey, for instance America, Israel, the West, capitalism, democracy.

The revolution, then, was grounded in myth, not reality, so naturally things did not work out as expected. Delirium and mania are among the words Berman attaches to the few who resorted to terror in the form of the Baader-Meinhof Gang, the Black Panthers, and the Red Brigades. Mainstream '68ers confined themselves to posturing; they were in the grip of vanity and self-indulgence, much too rich and privileged for their own good. Most of them have long ago risen to the top of their society, where the power and influence they wield is irreconcilable with their former ideals.

Reverting to the leftism of 1968, Joschka Fischer proved to be the enabler of a totalitarian dictator, not a resister.

Berman became acquainted with several contemporaries already prominent at that time. Their development into public figures over the years allows him to analyze and interpret how the Left in general has lost its way. Chief among them, and in some ways the book's villain, is Joschka Fischer, until recently the German foreign minister, and most improbable in that role. A '68er through and through, he began as a scruffy Marxist agitator. At one demonstration he was caught on camera attacking and injuring a policeman. If not a terrorist himself, he was certainly an accomplice of terror. He attended a PLO conference where a motion to eliminate Israel was passed unanimously. According to Berman, the Entebbe hijacking shocked Fischer into realizing that he was now supporting the murder of Jews—and thus not opposing Nazis, but imitating them. The Marxist swiftly morphed into a Green, a parliamentarian, if not exactly a politician like any other.

The Balkan crisis was Fischer's first big test, and he was able to identify the victims correctly. For the sake of ending Serbian ethnic cleansing of Albanians, he was willing to order German troops into a place Hitler had once invaded. He was turning his back on an anti-Nazism that was no anti-Nazism at all: To be siding with NATO, that is to say with the United States, was humanitarian and only normal.

Then, in February 2003, a conference was held in Munich at which Donald Rumsfeld put the case to European leaders for going to war with Saddam Hussein. Fischer was being invited to join another humanitarian enterprise, but this was a test that he failed. In English, and with practiced self-drama, he sneered at Rumsfeld, "Excuse me, I'm not convinced." It was ironic, not to say amusing, that he was now wearing a three-piece suit and had a respectable haircut, but there is no way to understand his attitude except as indifference to Saddam's cruelty and a predisposition for claiming moral superiority—in sum, a reversion to the leftism of 1968. So, after all, he proved to be the enabler of a totalitarian dictator, not a resister.

Daniel Cohn-Bendit, Fischer's close friend and a star of 1968, had also transformed from a Red into a Green, in his case becoming a member of the European Parliament and an echo for every ideological fashion. A yet more willing enabler, he too was not convinced that the U.S. could be anything other than imperialist and bad. Iraqis were therefore condemned to suffer Saddam Hussein without reprieve.

In contrast, another '68er, Bernard Kouchner, passionately advocated overthrowing Saddam and he is in some ways the hero of this book. A one-time Communist, he had been influenced by Che Guevara's doctrine that revolution has no boundaries. Experience in much of the Third World taught him that vic-

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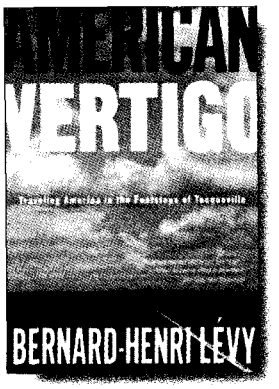
tims have rights, and resistance and revolution means standing up for them. Medically trained himself, he founded Doctors Without Borders, a truly Guevarist organization in pacifist form, and at one point he had been a French government minister. For him, the American government might very well be bad, but its intervention in Iraq was an unmitigated good. Lives would be saved, and victims spared.

Berman thinks it ought to have been possible—indeed obvious—to reach a political consensus that the overthrow of Saddam was justified on humanitarian grounds alone. The inability of the likes of Fischer and Cohn-Bendit to see this fact has done great and continuing damage. And although Saddam owed much to Nazism, it was not even necessary to see him primarily in that light. It should have been enough to listen to Iraqis themselves, for instance to Kanan Makiya, who had also started on the left but broke with the movement when he wrote books that graphically exposed Saddam's totalitarian horror.

Unexpectedly, and rather movingly, Berman also singles out for comparison a specimen conservative, the well-known journalist Michael Kelly. Convinced that the Iraqis deserved to be freed from Saddam, he made it his business to cover the 2003 war and was killed in the course of it. In this appraisal, Kelly shines through as someone with a sense of the brotherhood of man deriving from his religious faith—and also as an example to follow.

This book, it is true, erects much general argument on a smallish base of personal observations and apparent chance. And it might be objected that none of these people really matter: They are marginal intellectuals, the flotsam and jetsam of 1968, itself an episode interesting mostly to Freudian theorists. Not so. It is in the restricted arena where marginal intellectuals teach and preach that ideas turn into causes and agitprop of all kinds, and so work their way up into the politics of the larger society. The leftists currently demonstrating against the Iraq War are unable to rid themselves of bad ideas absorbed long ago, and that is why they persist in being wrong. They have to be resisted, and Berman shows that all it takes is an open and humane spirit. **NR**

In a Strange Land



American Vertigo: Traveling America in the Footsteps of Tocqueville, by Bernard-Henri Lévy (Random House, 320 pp., $24.95)

ROGER SCRUTON

In 2004, the editor of *The Atlantic Monthly* decided to respond to the growing strain in Franco-American relations by inviting the distinguished French writer and philosopher Bernard-Henri Lévy to tour America and write up his observations for the magazine. Lévy was to follow in the footsteps of Alexis de Tocqueville, bearing in mind the world-changing book that Tocqueville produced, aged 29, from his study of American democracy. I say "world-changing" but, as Lévy himself acknowledges, *Democracy in America* is rarely so viewed in Europe, still less in France, where its author is typically dismissed as a temporizing aristocrat, a sitter on fences, a self-involved patrician in the style of Isaiah Berlin.

That was Lévy's opinion too, until he applied himself, in preparation for his trip, to Tocqueville's text, to discover that it did indeed change the world. Thanks to Tocqueville, America became conscious of itself as a country with a destiny apart. As the story unfolds the reader is repeatedly struck by Lévy's awed recognition of Tocqueville's powers of foresight and analysis. All that he encounters in the land of shopping malls, lap dancers, Elvis, and the Book of Mormon was foretold in outline by his predecessor, and provided, what is more, with a comprehensive theory. Lévy attempts no theory of his own, but does what writers about America are so easily tempted to do, which is to offer vignettes of the crazy things that happen in a true democracy—things that ordinary people do, when provided with the freedom to do them and the money to pay.

Like Evelyn Waugh in *The Loved One*, or Martin Amis in *The Moronic Inferno*, Lévy is drawn to the grotesqueries of the democratic culture—the gated communities where only retired geriatrics are allowed to own a house; the Mormon project for the redemption of mankind through genealogical research; the glassy-smiled lap dancers who offer vicarious sex while carefully ensuring that no pleasure, affection, or excitement could conceivably attach to it; the big Gospel churches where God is packaged and branded to suit the needs of every client; and the prisons, which were for Lévy, as they had been for Tocqueville, his first port of call. The result is a lively and in many ways revelatory account of the American people, which—while ostensibly directed against French anti-Americanism—shows exactly why the French find the Americans so hard to stomach. As Lévy puts the point, America is obese, growing outwards not only in the bodies of its citizens, but in its heartless cities, its crowded prisons, its overflowing churches, its landscape-devouring shopping malls, its ever-expanding roads, plazas, car parks, its "mausoleum of merchandise, the funeral accumulation of false goods and non-desires"—in short, its fearful spilling of noise, needs, and niceness into every available space. America lacks poise, elegance, style, discretion. It has none of the self-irony with which the French contemplate the distasteful facts of human appetite, and therefore refuses to find them distasteful. It is, in short, a real democracy, in which ordinary people can put their ordinariness on display and not feel disgraced by it.

Mr. Scruton is a writer and philosopher who divides his time between rural England and rural Virginia. His latest publication is his intellectual autobiography, *Gentle Regrets* (Continuum).

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Tocqueville was the scion of an old noble family, and never lost the sense that he was looking down on the modern world from a ledge just above it. Lévy is not an aristocrat, but he is the next best thing: a product of Parisian high culture, an ex-'68er, raised in the anti-bourgeois orthodoxies of Sartre and Foucault, and turning rightwards only belatedly, as a result of perceiving the indifference of French leftists towards the crimes committed in the name of their ideas. His preferences in American culture are for Henry Miller over Henry James, Kerouac over Longfellow, Jackson Pollock over Winslow Homer, Charlie Parker over Aaron Copland. His heart is far to the left of his head, and he has retained the Parisian aloofness from *la vie quotidienne*. He tours America in the spirit of a Lévi-Straussian anthropologist, decoding rites in which he would never dream of taking part.

This leads to many amusing encounters and some brilliant commentary. But it does not alter the fact that the principal subject of this book is not America but Bernard-Henri Lévy in America. He rejoices in his detachment, offering long lists of impressions, each stamped with his Rimbaudesque self-intoxication, and making the reader constantly aware of his observing presence in every scene that he describes. This can be tiresome; but it has the merit of emphasizing the cultural distance between Lévy and his American targets. Even his astutest observations, therefore, somehow deliver only glancing blows. And by the end of the book you are pretty firmly on the side of his victims, who have been raised by his Parisian snobbery to the status of representatives of the human race. This, you begin to see, is what people are like, when they are allowed to do what they want and have the means to do it. And why shouldn't they?

Lévy concludes the book with an attack on the anti-Americanism that has poisoned debate in his country, and in these powerful and heartfelt pages he recaptures my sympathy. This is one of several places where he seems to recall Tocqueville's humane and forgiving recognition of the right of the other to be other than me, as opposed to my aristocratic duty to be other than him. Lévy is manifestly uneasy with President Bush and Republican politics; but unlike so many of his countrymen, he does not regard the neoconservatives as fascist lunatics. And while withholding endorsement from the war in Iraq, he shows genuine appreciation of the arguments in its favor. His main contacts in the intellectual world seem to be leftists, but from one of them—Christopher Hitchens, with whom he gets amusingly drunk—he receives an earful of pro-war propaganda, and his endorsement of the remaining representatives of the intellectual Left is never more than half-hearted.

It is not Lévy's fault that his book has been made to stand beside Tocqueville's, and of course it suffers from the comparison. Lévy is flippant and frothy where Tocqueville is sober and deep. Lévy lacks the quality that Dr. Johnson called "bottom" and his interest in day-to-day realities is too easily eclipsed by his appetite for the ludicrous. There is another America than the one described in this book—the America of volunteer groups, neighborliness, and little platoons. But that America makes no effective backdrop to the observing bohemian, and therefore defies Lévy's self-centered style. It was this other America that Tocqueville saw, and that he recognized for what it is—a new start for mankind. **NR**

LEGACY

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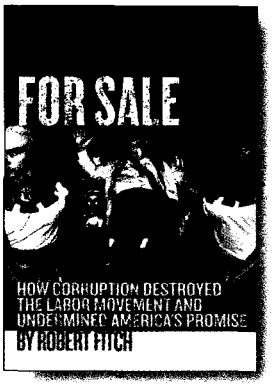
The Bosses Sell Out



Solidarity for Sale: How Corruption Destroyed the Labor Movement and Undermined America's Promise, by Robert Fitch (PublicAffairs, 432 pp., $28.50)

CARL F. HOROWITZ

ROBERT FITCH is a chastened leftie—as opposed to an ex-leftie. This is an important distinction: The former still believes in the Dream, the pursuit of progressive "social justice," even while admitting the result is often anything but progress; the latter thinks the whole effort is a product of (at best) naive and often perfidious motives. A union member and activist since age 15, bound for an academic career at Cornell and NYU, Fitch, now past 65, writes like a lover scorned. He's not going to forgive all those union chieftains and members who made deals with the mob or embezzled from the till. The cover of *Solidarity for Sale*, a mid-1980s photo of His Royal Majesty Jackie Presser, a kept man of the Cleveland mob, carried by a galley of beefy *faux*-centurions onto the Teamsters convention floor, is a classic. But the temptations of power go back much further than that. "Corruption," the author notes, "had been built into the labor

Mr. Horowitz is the director of the Organized Labor Accountability Project at the National Legal and Policy Center in Falls Church, Va.

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movement from its very inception."

Exposing links between organized labor and organized crime isn't a new art form. Robert F. Kennedy, counsel to Sen. John McClellan's late-1950s special committee on union corruption, published a book in 1960, *The Enemy Within*. Labor historian John Hutchinson's *The Imperfect Union* (1970) teems with vignettes of union alliances with the underworld. And—though more focused on political deals—Linda Chavez and Daniel Gray's *Betrayal* (2004) does likewise. But Fitch brings an insider's perspective to the table. He has seen up close why organized labor is silent about corruption. That proximity explains the noir feel of *Solidarity for Sale*; read it and you'll want to rent DVDs of *Hoffa*, *GoodFellas*, and *Casino*.

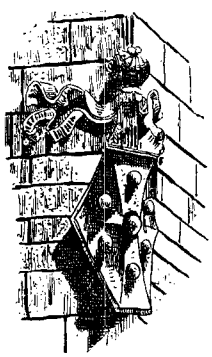
What explains the systemic rot? One reason, the author says, is a patronage system as territorial as any banana-republic fiefdom. In virtually every union, rainmakers receive protected status, the availability of jobs being tied to the fortunes of local bosses who dole them out. You don't ask questions. At New York City's Teamsters Local 282, during the late 1980s and early 1990s the turf of Gambino crime-family underboss (and confessed murderer of 19 people) Sammy "The Bull" Gravano, six-figure-income positions were readily available. Union officials denounce corruption only to excoriate rivals, not allies—and *definitely* not family. It's telling, Fitch notes, that current Teamster president James P. Hoffa cites *The Lion King* as his favorite movie.

Another reason for corruption is the "usable history" narrative, that epic tear-jerking tale of American labor, bred to the bone in every union member, begun in the late 19th century and put on the fast track in the 1930s. In this script, honest workers, trying to feed their families, stand up and fight exploitative employers. These heroes risked everything, including their lives, at the Battle of the Overpass, Republic Steel Works, and other hallowed sites. Brothers and sisters in labor must honor their ancestors' legacy, even if it means refusing to acknowledge the bad apples in their movement.

Fitch, yet another New Yorker mugged by reality, spoils the party by announcing that this narrative was a disguise from the start. Moreover, it has become a self-defeating disguise, with only 8 percent of (non-farm) private-sector workers belonging to a union, down from a peak of around 35 percent a half-century ago. The usable-history narrative just doesn't have the horsepower to sustain a movement in decline. It can't hide the fact that union officials, far from being good folks forced into a Faustian pact, are feudal-style barons with few qualms about committing crimes or farming them out to mobsters. *There never was any Golden Age of organized labor.* Solidarity was always for sale.

Darkness haunts the pages about the Teamsters, where benefit plans for decades served as mob-run private banks; the Laborers, continuously since the 1920s a wholly owned subsidiary of organized crime, especially the Genovese mob; and AFSCME District Council 37 in New York City, a symbol of public-sector kleptocracy ("it was honesty that was illicit"). The tales of corruption here and elsewhere were made possible by an incestuous organizational culture and an archaic law, the National Labor Relations Act, amended more than once since 1935 but never really fixed.

Periodic internal "cleanups," argues Fitch, are inherently self-limiting in the absence of larger structural changes. The much-heralded Union Democracy movement is more tied to internal power struggles than to an alternative vision for labor. Teamsters for a Democratic Union, for example, wildly exaggerated its role in reforming the union following the Teamsters' 1989 civil RICO agreement with the Justice Department. In reality, TDU's main accomplishment was to serve as a stalking horse for supporters of the union's subsequent president, Ron Carey, himself later ousted (though found not guilty in federal court) in the face of evidence that he'd approved an $885,000 money-laundering scheme hatched by far-Left activists to pay for his 1996 reelection. "For too long," Fitch writes, "'union democracy' has served as a kind of political Hamburger Helper in AFL-CIO reform circles: It pads out a program that's too thin to truly revive the labor movement but provides the appearance of an agenda and an excuse for action. No amount of 'democracy' can alter the fact that the AFL-CIO is rooted in compulsion, exclusion, and monopoly."



No argument there. Fitch's solution is an employer-union quid pro quo: Employers must give up resistance to worker representation, and unions must give up NLRA-approved exclusive representation and—in non–Right to Work states—forced dues collections. Otherwise, labor leaders risk relegating many of the workers they claim to represent to Dickensian sweatshop conditions and chronic semi-poverty.

This is sound stuff, at least by left-leaning standards, yet it also misses the mark. The progressive guns of the Democratic party, I can attest firsthand, were blasting away during the AFL-CIO's 50th-anniversary convention in Chicago this July. Federation president John Sweeney and other union leaders, not to mention Ted Kennedy, John Edwards, Jesse Jackson, and Julian Bond, denounced Social Security reform, domestic budget cuts, CAFTA, and "right-wing Republicans," while exalting living-wage ordinances, affirmative action ("diversity"), and, inexplicably, amnesty for illegal immigrants—this last a virtual guarantee of depressed wages. The roughly 800 delegates frequently responded with wild applause.

Yet everyone in that Navy Pier hall was aware that a group of rump-faction unions, known as Change to Win—led by the Service Employees, the Teamsters, and the United Food and Commercial Workers—had just bolted the federation or were on the verge of doing so. These and four other unions would meet in St. Louis in September to formally declare themselves a federation, representing, for now, some 6 million workers (a significant number compared with the AFL-CIO's remaining 8 million). But the schism occurred far more over organization-building strategy than over political beliefs—which underscores the relative unimportance of political idealism as a source of movement rejuvenation.

Had Fitch followed this reasoning, of course, his own progressivism would be more than chastened; it would be finished. But give him credit. Nobody has written of trade unionism's fatal embrace with the underworld, and its own demons, more eloquently. **NR**

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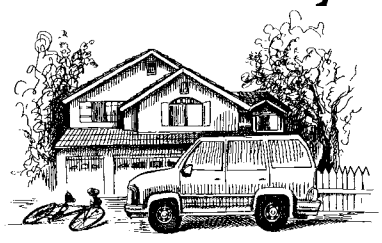
■ THE STRAGGLER ■

Getting Pally With Ally



JOHN DERBYSHIRE

"Thou shalt not follow a multitude to do evil," commanded Moses very wisely. The true-born straggler ("one that is separated by wandering off in some irregular manner from others"—Webster's *Third*) finds no difficulty in cleaving to this injunction. We stragglers are constitutionally averse to following a multitude to do *anything*, whether evil, good, or morally neutral.

While this reflexive contrariety preserves the straggler from many pitfalls, it does create minor problems, nowhere more so than in his appreciation of popular culture. I was, for example, slow to "get" the Beatles. They came to perform in my hometown during my last year of living there, before I went off to college. This was a sensation among my coevals. The Beatles' second hit single had recently come out, and there was an LP in the works, keenly awaited. A girl slightly known to me got her name in the local newspaper by waiting in line in the snow for 22 hours to buy tickets to the performance. I disdained the whole fuss, believed in fact that I had outgrown pop music altogether, to advance into the richer, more intellectual world of jazz. A few months later the Beatles were a worldwide sensation, and would be doing no more gigs in provincial English movie theaters. A year or so after that, I started to like their stuff . . . by which time it was of course stale Brie to the people I was moving among.

This is what it means to be a straggler. We are constantly finding ourselves at a conversational loss where matters of pop culture are concerned. We catch up eventually, but by then the caravan has moved on. Everyone else has debated the thing to death, absorbed and internalized any real significance it might have had, and forgotten all the details. We are left talking to ourselves, at any rate for a decade or two, until the artifact in question becomes a legitimate object of nostalgia.

It is therefore with an air of apology that I report my most recent addiction. Three or four years ago I had a brief exchange of opinions with a friend. His opinion was that the TV show *Ally McBeal* was a work of true art and would endure *in saecula saeculorum*, world without end, Amen, like Euripides and Shakespeare. I had never seen the show when he made this comment, but I watched an episode, was unimpressed, and reported my unimpressedness to him. We exchanged a couple more e-mails on the topic, then the discussion lapsed . . . until a couple of months ago, when a large box from my friend's Texas address appeared on my doorstep. Inside was his Christmas present to me: six neat cases, each case containing five DVDs, each DVD holding four episodes of *Ally McBeal*.

For those who watch as little TV as I do—I catch the news, the World Series, and occasional random fragments of everything else—perhaps I should explain that *Ally McBeal* was a "dramedy," which is to say a highbrow sitcom, featuring witty observation of life fortified with some social or psychological relevance and grad-school catchphrases. This particular show aired weekly from 1997 to 2002: altogether 112 episodes, of which I missed all but one. That one was late in the series (episode 91), so of course I had no clue who was who. I had, to use a word that was I believe popularized by this very show, none of the *backstory*.

Now I am wiser. At the time of writing I have watched only the first twelve episodes, but I know the principals, their histories and personality quirks. While I remain unconvinced by my friend's thesis, I will allow that the creators of this show did a thing that every novelist and dramatist strives to do, all the great ones and some of the non-greats succeeding: They have created a world. It is a very circumscribed world, to be sure, with all sorts of things missing from it; but that is even truer of, for example, Jane Austen's world. The addiction has arisen because I want to find out how life unfolds in this invented world, to see what happens next. To that degree, the thing succeeds.

The overwhelming impression, however, is the same one I get from practically any TV fiction I catch: *This is girl stuff.* When nothing much is happening in the show, which is rather often the case, it is because the women are talking, talking, talking, about how they feel, how you feel about how I feel, how we feel about how they feel, how she feels about how he feels about her feelings for him—talking the way a lady talks when a gentleman wants to go to sleep. I dimly recall that at the time the show was airing, some social conservatives denounced it as soft porn. Well, some of it is; but it is girlie soft porn. (When I argued this case to my friend, he said: "Watch the car-wash episode and get back to me." That is episode 47, some way ahead yet.)

The real topic of the show seems in fact to be the problems arising from our modern conception of men and women as functionally equal—interchangeable—in ever-larger areas of life. The conclusion one comes away with from the first few episodes of *Ally McBeal* is that this isn't working out very well, rather especially for women. No fewer than six of those first twelve episodes involve sexual harassment in some aspect. I think the unsatisfactoriness of our current arrangements is relative—I mean, those arrangements, while unsatisfactory, are, on balance, much less so than those faced by Anna Karenina, Emma Bovary, or Effi Briest, not to mention the women of traditional Islamdom or Imperial China. They are unsatisfactory nonetheless, and create much unhappiness.

Why is this so? Episode 12 of *Ally McBeal*, which I have just watched, gives us the answer. Whatever else we are, we are yet beasts, chittering chimps in suits and dresses. Men fight and make money; women talk and make babies. We can't escape it, we can't unhitch ourselves from biology, how desperately soever we desire to. We can rise above it, but not all the time, none of us.

No, this stuff is definitely not Euripides. Nobody will be discussing it 25 centuries from now. It seems, in fact, to have been pretty comprehensively forgotten already, except by my generous friend, and now me. For all its shallowness and absurdities, though, I'll give *Ally McBeal* an A grade for biological realism. **NR**

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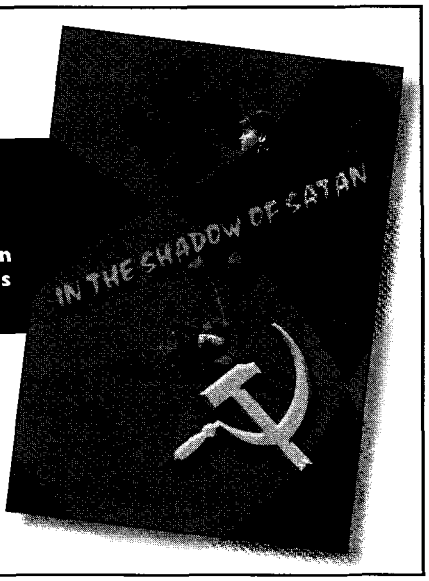

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Are You Scared of Alito?

NEW YORK, JANUARY 10

So Senator Kennedy wants to know why it is that, "undeterred by the public outcry, the president vows to continue spying on American citizens." That mauling of Bush was done in passing, on the first day of deliberations over the nomination of Samuel Alito to the Supreme Court. It is easy to dismiss what the senator says on the grounds that whenever he touches on the judiciary he is predictably high on that particular hooch which brought him to denounce Judge Bork in language that would have been excessive in describing the grand wizard of the Ku Klux Klan. But allowing for the senator's lack of judgment in these matters, it is worth probing what he says on the grounds that there are some people, somewhere, who take his charges seriously.

The outstanding question here is: What public outcry? Critics of the action taken by President Bush are, in ascending order of gravity, 1) those who regularly exclaim that any increase in the resources of law enforcement is a threat to our liberty; 2) those who believe that this particular initiative of the president is uniquely despotic; and 3) those who believe that in taking this initiative, Mr. Bush didn't abide by his covenant with the legislature, which was to check out with Congress and a federal judge any federal surveillance of any individual that extends to listening in on telephone calls and intercepting mail.

But the question remains: What public outcry? There was some of this in Congress, but the situation was troubled: Irate congressmen had to contend with the president's saying that at least a dozen times he had advised relevant members of the intelligence committees of what he was doing.

The matter of checking in with a federal judge is also in question. The administration takes the position that the congressional resolution authorizing the use of military force to combat terrorism subordinates the matter of checking with a judge. The language of that act, passed into law three days after 9/11, is sweeping. It gives to the executive the right "to use all necessary and appropriate force" against persons the president determines to be involved in terrorist activity.

It is vexing for American conservatives, who think of themselves as presumptive critics of the accretion of government power, to be put on the defensive. The difficulty is that conservatives have warned over the years that any increase in the size of government is innately threatening to individual freedom. If the government taxed income at 100 percent, we would be slaves. The enduring political question asks whether, *pari passu*, Americans lose freedom as government increases its size and disposes of a larger share of the people's income.

In the matter at hand, there isn't a substantial public outcry, measured as squeals or yells from citizens imposed upon. This is so because not enough citizens are subject to surveillance to bring on anything like a national alarm. To begin with, those who are subject to special surveillance are overwhelmingly non-citizens. A second reason for the general tranquillity is that there is not much of a record of abuse. The public comes to life when there is evidence of an abuse of power, as when court after court, during the Sixties, exonerated defendants who were clearly guilty of conspiring to deny civil rights in the South.

There is surely someone out there who never even threatened a cat, who will one day step forward to complain that his telephone was tapped. But individual abuses don't constitute public threats. And Judge Alito isn't likely to show any more patience for abuse by public authority than would the head of the ACLU. Senator Kennedy is barking up a tree in which no gorillas are hiding.

Some Say Potatoes

NEW YORK, JANUARY 17

INSIDERS passed on the word that former vice president Al Gore would not go so far as actually to call for the impeachment of George Bush, and indeed he did not. The crowd at Constitution Hall was disappointed. But they were left with a great deal to chew on. Mr. Gore all but gave the impression that impeachment itself is simply a constitutional formality, necessarily ensuing upon such behavior as the president is clearly guilty of. Congress, said Mr. Gore, should hold hearings into "serious allegations of criminal behavior on the part of the president, and they should follow the evidence wherever it leads." Yes, the chief executive has inherent powers to act in national crises, but the president has crossed the line into criminal acts, "breaking the law repeatedly and persistently," bringing "our republic to the brink of a dangerous breach in the fabric of our Constitution."

Well, is he or is he not? We have heard, coming from the lips of one of the senior Democrats in the land, the direct charge that the president may be engaging in criminal behavior.

How is the uncommitted voter to react? Those who are sophisticated in weighing the questions at hand know that it is not easy to objectify the limits of executive power, and Mr. Bush has pretty well settled for telling us that the measures he has undertaken fall within his competence "to use all necessary and appropriate force against those . . . persons" he believes might have been, or might in the future be, engaged in terrorist aggression. Not easy to prove, abuse, yet some abuse is inevitable given what the NSA and the FBI have been asked to do. That is, to examine conversations and written exchanges which, compositely, could transmute into a powder-keg airplane heading at top speed into the Capitol.

Mr. Gore is appealing to voters who are prepared to believe that abuse is written into Mr. Bush's interpretation of his authority, and that that would be revealed if an investigation got to the bottom of what is now going on.

Those who want an answer to the question, Is Mr. Bush exceeding his

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authority? are not easily satisfied. It was decided at the launch of the republic that the Supreme Court was not available to give "advisory judgments." The Court is not going to intervene in executive and legislative life to deal with hypothetical complaints. To engage the attention of the Court, you have to address it as a plaintiff, charging constitutionally prohibited activity.

The political meaning of this is that at this moment, the curious voter can't be guided in any conclusive way. There are two difficulties. The first is that the data needed to pass sound judgments aren't available. Nobody is going to tell the president that he has to hand over a list of the people whose telephone conversations he has intercepted, with the reasons why those interceptions were undertaken. A second difficulty is that it is inconceivable that an investigative panel would agree that the investigation of, say, Ramad el-Sein, was not only preposterous, but revealing of malefaction by those who undertook to tap his phone.

This means that Mr. Gore's charge that allegations of criminal conduct by Mr. Bush are "serious" cannot be substantiated. All that can be done is to debate the proper reach of executive power. Two lawsuits have been filed which are nothing more than showboat legal feints. What isn't going to happen is anything that can be taken as a dispositive finding, constitutional or moral, on the questions raised by Mr. Gore in his talk to frustrated American dissidents.

Al Gore was active, seven years ago, in defending President Bill Clinton, who actually was impeached. He stressed in those days the integrity of the Constitution and the need to treat soberly the powers of the president, and the derivative respect owed to those powers by the legislature. Mr. Gore's speeches during that period are relevant reading today.

Reforming the Rich

NEW YORK, JANUARY 20

On the matter of reform in publicizing executive salaries, a few observations:

The way it is being handled now is marginally inexcusable, and unquestionably disgraceful. A case can be made, using prime libertarian doctrine, that what an executive is paid is of concern to only three parties: the executive himself, the stockholders, and the employees. What stands in the way of explanations that fundamentalist is that there are means of paying these huge salaries which are substantially this side of full disclosure.

Begin with the fact that official communications from large companies are simply unreadable. Add to this that there are means of compensating executives which avail themselves of loopholes. They are a means of circumventing those strangulations by which government seeks to put its big thumb in the way of enterprise. To file corporate literature in such a way as to avoid suspicion of prejudice against women, minorities, aliens, cripples, pregnant women, or imported goods is a challenge even to resourceful corporate communications officers.

Then there is the matter of tax avoidance. The executive with this in mind gleefully disguises his compensation in ingenious ways, which have the effect of exposing to high taxation not himself, but the company that hires him—until the blessed day when he retires and scoops up his deferred compensation, plus his options of one kind or another. You don't really have the components of libertarian exchange necessary to ex-pose what he is earning so that a stockholder can weigh what is being paid for executive services. Action by the SEC designed to reveal what actually is going on is welcome.

There is a healthy reluctance to concede that Mr. Jones is really worth $5 million per year in compensation, which is what he is getting, viewed in a truly strong light. It's another matter—and this society needs to get used to it—when an individual is earning something ordained by the public itself in recognition of his uniqueness. If it is a baseball player who enchants a great public, or a chanteuse whose records sell by the millions, or an author who writes *Gone With the Wind*, the public should acknowledge that it has only itself to blame for egregiously high returns. But when it is the vice president of a glass manufacturer, a salary blatantly inordinate gives rise to suspicions of dissimulations exercised, advantages taken, corporate boards compliant. These, then, have the effect of discrediting the whole capitalist apparatus, and everyone should feel the need to avoid that. A lot of what is being talked about is not illegal, but much that isn't illegal can be disgraceful, and a free society has a legitimate stake in trying to do something about that.

What needs to be acknowledged is that industrious and talented men and women are understandably concerned with that direful weapon available to society, which is confiscatory taxation. There are people alive, though they are getting old, who can remember when you ran into a taxation rate of 91 percent. And this, ladies and gentlemen, was so under a Republican administration. Eisenhower was president when that tax rate was on the books, and the public was rescued from it by John Kennedy, in the Sixties. Tax rates that high are excursions in class warfare. The distortions they bring on damage society and fuel defiant behavior, encouraging everything from emigrations to the Cayman Islands to active distortions of reality through brummagem corporate filings.

It is both just and sensible, when reforming what we deem hypocritical and disgraceful, to take tax rates into consideration. That factor is supremely relevant in the matter of death taxes. People will reorganize their lives, when approaching the end of them, in order to avoid death taxes that right now rise nearly to 50 percent. True reforms of the kind now being contemplated must take into account what it is that prompts behavior we are concerned with, which is huge taxation. A New Yorker moderately successful in his professional life will very soon be paying more than 50 percent of his earnings in local, state, and federal taxes.

When that happens, a reasonable part of human energy will go into devising arrangements of the kind we are attempting to discourage. The prospect of handing over reform to the John Birch division of the Democratic party, which sees a capitalist scavenger under every bed, will guarantee that nothing truly useful will be accomplished.

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happy warrior

MARK STEYN

Are We Serious?

ABU HAMZA is the most famous of Britain's many incendiary imams, a household name thanks to the tabloids' anointing him as "Hooky"—he lost his hands in a, um, "accident" in Afghanistan a few years back. Currently on trial in London for nine counts of soliciting to murder plus various other charges, he's retained the services of the eminent Queen's Counsel Edward Fitzgerald.

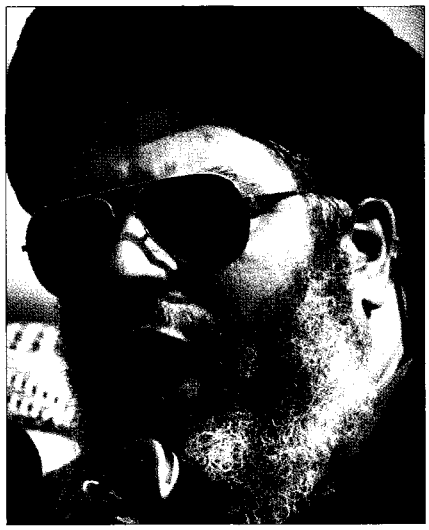
Fitzgerald opened the case for the defense by arguing, according to the *Daily Telegraph*, that "Hamza was urging his followers not to murder British people but to fight in holy wars where Muslims were being killed in Afghanistan, Algeria, Bosnia, Kosovo, and Palestine. Asked if he had ever intended to urge or incite murder, Hamza replied: 'In the context of murder, no. In the context of fighting, yes.'"

Hmm. Hamza wants to see a Caliph installed in Downing Street and to have Muslims "control the whole Earth."

And, of course, wanting Muslims to control the whole Earth is not against the law, nor, as his counsel argued, is advocating the more robust methods of bringing it about. As the *Times* of London reported: "Edward Fitzgerald, QC, for the defence, said that Abu Hamza's interpretation of the Koran was that it imposed an obligation on Muslims to do jihad and fight in the defence of their religion. He said that the Crown case against the former imam of Finsbury Park Mosque was 'simplistic in the extreme.' He added: 'It is said he was preaching murder, but he was actually preaching from the Koran itself.'"

Well, it's ingenious, and who's to say it won't work? If the Koran permit, you must acquit. To convict would be multiculturally disrespectful: If the holy book of the religion of peace recommends killing infidels, who are we to judge?

In other courtroom news, Nick Griffin, leader of the highly non-multicultural British National party, is also on trial, charged with the crime of "using words or behaviour likely to stir up racial hatred"—and, unlike Hamza, he's unable to avail himself of the But-I-got-it-straight-from-the-Koran defense. The jury was sternly reminded that its role is not to consider the truth or otherwise of Griffin's remarks: The criminality thereof is not mitigated by factual accuracy. One of the offending observations is this, made at a meeting in Leeds, a year before the July 7 bombings: "We all know that sooner or later there's going to be Islamic terrorists letting off bombs in major cities, and it might not be London, it could just as easily be the White Rose Centre"—which is in Leeds. Griffin ventured that the bombers would prove to be asylum seekers or second-generation Pakistanis "living somewhere like Bradford."



'Hooky' has his day

ODD ANDERSEN/AFP

Close enough. Well, closer than MI5 got. Three of the four July 7 bombers were, in fact, second-generation Pakistanis from Leeds—a mere stone's throw or bomb blast from where Griffin was speaking. Tony Blair has for years been predicting terrorist devastation raining down on Britain, but very shrewdly he usually avoids hazarding too specific a guess at the likely identity of the perpetrators—which is why he's not on trial and Nick Griffin is.

Go back four years. On September 11, the Bush administration had to choose whether to regard the events of that morning as a matter for law enforcement or an act of war. At one o'clock that afternoon, as the Pentagon still burned and after he'd helped pull the injured from the rubble, Donald Rumsfeld told the president, "This is not a criminal action. This is war."

That's still the distinction that matters: Part of the reason John Kerry lost in 2004 and why the Democrats will lose again this November is that they view this business as a law-enforcement matter: all warrants and due process. And, as we see in almost every case that comes up, to fight the jihad in the courtroom means you'll lose.

Imagine if, during the London Blitz, you'd had Germans with British passports giving speeches advocating the United Kingdom's incorporation within the Third Reich and demanding the Swastika fly over Buckingham Palace and you had to prosecute them individually and most Nazis were acquitted on technicalities but a few got 18-months-to-two-years. To be sure, one can argue (as many British and Americans do) that the jihad does not pose the same kind of existential threat, but at what point do you cross the line? Three hundred dead in a Tube blast? Six thousand in a skyscraper bombing? Why aren't the dead of September 11 and July 7 already enough?

There are local factors at play in these court cases and the defendants know them very well. Under onerous British reporting restrictions, I can't even write about the Hamza case in a Fleet Street paper lest it prejudice his trial. In cases like that of, say, Sami-al Arian or Zac Moussaoui, you're free to talk about them but the nature of the U.S. justice system means there are years and years between the arrest and even the prospect of justice. Thus, the net effect in both jurisdictions is to limit or defer public awareness of these men's activities.

A court of law is not meant to be a field of battle, and the enemy should not be upgraded to a defendant. The question is not "Why do they hate us?" but "Why do they despise us?" And putting Abu Hamza in the dock at the Old Bailey is a good example why. **NR**

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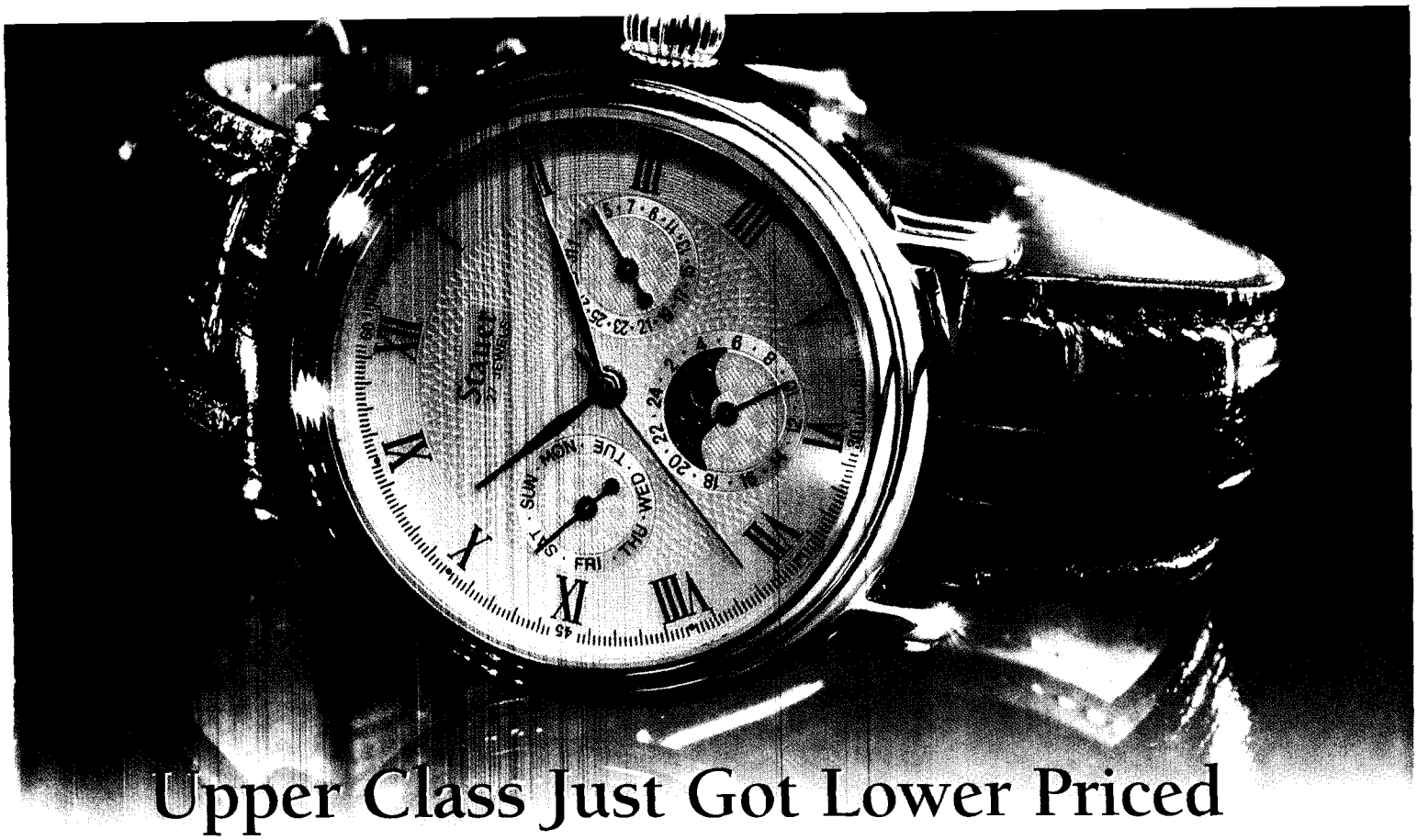

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